

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 57 OF 2011
IN
SUIT NO. 3813 OF 2000

ATCOM TECHNOLOGIES LIMITED)...PETITIONER
V/s.
Y. A. CHUNAWALA AND CO. AND OTHERS)...RESPONDENTS
WITH
CONTEMPT PETITION NO. 59 OF 2012
IN
COMMERCIAL SUMMARY SUIT NO. 7 OF 1999

Mr.Mayur Khandeparkar a/w. Ms.Neuty Thakkar i/by Mr.Tushar Goradia, Advocate for the Petitioner in CONP/57/2011 and CONP/59/2012.

Mr.Samir Vaidya a/w. Mr.Aditya Parmar, Advocate for the Respondents.
Mr.Yohaam Shah i/by Negandhi Shah & Himayatullah, Advocate for the Defendants no.1, 3 and 4 in S/3813/2000.

CORAM : ABHAY AHUJA, J.

DATE : 3rd JULY 2025

PC. :

1. This matter was kept back in the morning session as Mr.Vaidya was in another Court.

2. When the matter is called out in the afternoon session, Mr.Vaidya, learned Counsel, appears for the Respondents and submits

that since against the order discharging the Court Receiver on 8th January 2025, there is an Appeal staying the said order, this Court may not proceed with the contempt unless the Appeal is heard.

3. Ms.Neuty Thakkar, learned Counsel, appearing for the Contempt Petitioner submits that the order dated 8th January 2025 as well as the Appeal filed against the said order has nothing to do with the contempt proceedings and that the contempt proceedings can independently proceed. Ms.Neuty Thakkar draws this Court's attention to order dated 23rd December 2016 where it has been clearly directed that the Respondents no.2, 3 and 4 shall remain present on all the dates until further orders. Ms.Neuty Thakkar submits that today none of the Respondents are present in Court.

4. Mr.Vaidya submits that the Respondent no.2 has recently undergone surgery for 3rd stage prostate cancer and therefore, he is unable to remain present in Court. As regards the Respondents no.3 and 4, Mr.Vaidya submits that he will keep them present on the next date.

5. Although this Court has not permitted absence of any of the Respondents, however, this Court directs that a suitable Affidavit containing medical reports of the Respondent no.2 and the reason for his absence today, be filed within a period of two weeks. The Affidavits by the Respondents no.3 and 4 also be placed on record explaining in detail as to their absence in Court today, despite orders of this Court.

6. Let the Respondents no.2, 3 and 4 positively remain present in Court on the next date, failing which, this Court will secure their presence through the State machinery.

7. List on **31st July 2025**.

(ABHAY AHUJA, J.)