

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

Amk

CONTEMPT PETITION NO. 59 OF 2012
IN
SUIT NO. 4870 OF 1999

Saraldisha Investments Ltd. .. Plaintiff/Petitioner
Vs.
Shri Siddhivinayak Developers & Ors. .. Defendants/Respondents

Mr. Arif Doctor a/w. Mr. Sanjay Dubey i/b Sonal Doshi & Co. for the Plaintiff/Petitioner.

Mr. Ravi Kadam, Sr. Advocate a/w. Mr. Santosh Mishra i/b Ajit Anekar for Defendant Nos.5 to 8 & 11.

CORAM : **MRS. ROSHAN DALVI, J.**
DATE : **18th DECEMBER, 2014.**

P.C.

1. The plaintiff obtained an ad interim order on 21st January, 2000 in the initial Notice of Motion restraining sale, transfer, alienation and creation of third party rights in respect of the suit properties.

2. The plaintiff thereafter obtained an order of attachment before attachment of specified properties at serial Nos.2, 3, 5 & 8 on 28th January, 2000.

3. It is the plaintiff's case that despite the order of injunction and attachment, the suit property has been mortgaged by respondent Nos.1 to 4 in favour of respondent No.5 and a loan of Rs.90 lacs has been taken from respondent No.5. Prima facie case of contempt is seen.

4. Issue notice against respondent Nos.1 to 4 to show cause why the action under the Contempt of Courts Act, 1971 be not taken against

them returnable on 29.01.2015. Humdast allowed.

5. No case has been made out against respondent Nos.5 to 13. The Contempt Petition is dismissed against them. However the affidavit of respondent Nos.5 & 6 has already been filed and may be considered to determine the truth of allegations of contempt.

(ROSHAN DALVI J.)