

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

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

Atcom Technologies Ltd. ...Petitioner
V/s.
Y. A. Chunawala and Co. and Ors. ...Respondents

**WITH
CONTEMPT PETITION NO. 59 OF 2012
IN
COMMERCIAL SUMMARY SUIT NO. 7 OF 1999**

Mr. Shanay Shah with Ms. Neuty Thakkar i/b Mr. Tushar Goradia for the Petitioners.

Mr. Rujuta Patil, through VC i/b Negandhi Shah & Himayatullah for the Respondents No. 1, 3 and 4.

Mr. Samir A. Vaidya, through VC with Mr. Aditya Parmar, Ms. Zainab Khan and Ms. Jagruti Mestry for the Respondent No.2 to 4 in CONP 59/12 and for Respondent No. 2 in CONP 57/11.

Mrs. Nandini Deshpande, 1st Assistant to the Court Receiver present.
Respondent No. 3 in CONP 59/12 is present.

CORAM : ABHAY AHUJA, J.
DATE : 11th SEPTEMBER, 2025

P.C. :

Contempt Petition No. 57 of 2011

1. When the matter is called out, Mr. Shah, learned Counsel for the Petitioners submits that in view of paragraphs 10 to 12 of the affidavit in reply of the Respondent dated 27th September, 2022, the said Contempt Petition can be worked out with a direction to the Respondent to execute the deed of cancellation within a period of two weeks.

2. Mr. Vaidya, learned Counsel appearing for the Respondent No.2 agrees with Mr. Shah's submissions and submits to the orders of this Court with respect to the said Petition.

3. Upon a query from the Court as to whether the Respondent No.2 is present in Court, Mr. Vaidya submits that an interim application which is not on board seeking exemption of his client from remaining present in the Court has been filed.

4. Mr. Shah submits that the Respondent No. 2 was directed by the orders of this Court to remain present in Court but has time and again refused to appear and that this Court consider issuance of warrant of arrest to secure his presence in the Court.

5. Having heard the learned Counsel and having considered their submissions, the following order is passed:-

ORDER

(i) Let the Respondents execute deed of cancellation in respect of the subject 23 flats within a period of two weeks.

(ii) The Registry to issue non-bailable warrant of arrest against the Respondent No.2, returnable on the next date.

6. List on **9th October, 2025.**

Contempt Petition No. 59 of 2012

7. When the matter is called out, Mr. Shah, learned Counsel appears for the Petitioner and submits that even this Contempt Petition can be worked out in view of paragraph 9 of the affidavit in reply of the Respondent by execution of a deed of cancellation of the mortgage by the Respondents No. 3 and 4. Mr. Shah, however, submitting that despite directions of this Court, the Respondents no. 2 and 4 have not been remaining present.

8. Mr. Vaidya, learned Counsel appearing for the said Respondents submits that he has no objection if the Petition can be worked out and that his client will be abide by the orders of the Court for the execution of the cancellation deed.

9. Having heard the learned Counsel and having considered their submissions, the following order is passed :

ORDER

(i) Let the Respondents No. 2 and 3 execute deed of cancellation with respect to the deed of mortgage in view of the repayment of loan as

referred to in paragraph 9 of the affidavit in reply by the said Respondents.

(ii) Let non-bailable warrants be issued against the Respondents No. 2 and 4, returnable on the next date.

10. List on **9th October, 2025.**

(ABHAY AHUJA, J.)