



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

CONTEMPT PETITION NO.13 OF 2024

IN

SUIT NO.39 OF 2015

Smita Milind Padgaonkar & Anr. ... Petitioners

V/s.

Mehta Developers & Ors. ... Respondents

Mr. Sagar Ghogre a/w Sarvesh Gawade i/by Sandip Ghogare for the Petitioners.
Mr. Gautam Ankhad, Senior Advocate a/w Mr. Sunny Shah, Ms. Samridhi
Lodha, Viral Shukla, Mrs. Priti Shukla, Mr. Rudra Dani i/by Shukla & Associates
for the Respondents.

CORAM : ARIF S. DOCTOR, J.

DATE : 22ND NOVEMBER 2024

P.C. :

1. The present Contempt Petition alleges the breach and violation of the consent terms dated 5th August 2016 entered into between the parties in the captioned Suit.

2. Essentially, the grievance of the Petitioners is that the two flats, which were to be given to the Petitioners, have not been complied with by the



Developer and that the Developer is now offering flats of different area to the Petitioners.

3. I have briefly heard Mr. Gautam Ankad, Learned Senior Counsel appearing on behalf of the Respondents, who submits that there is no breach or willful disobedience of the consent terms. He has pointed out that the plan of the building was reworked in view of the fact that there has been a change in the planning laws, i.e., DCPR. He infact points out that insofar as area is concerned, the Petitioners are getting additional area, for which they have not been charged. He thus seeks leave of the Court to file an Affidavit placing all these facts on record within a period of two weeks.

4. Let the said Affidavit to be filed on or before 6th December 2024.

5. Stand over to 19th December 2024.

(ARIF S. DOCTOR, J.)