



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

**INTERIM APPLICATION (LODGING) NO. 21202 OF 2023
IN
CONTEMPT PETITION (LODGING) NO. 16657 OF 2023**

Vivian d/o Wilfred Fonseca
and w/o Ravi Shetty

...Applicant/Petitioner

Versus

Anthony Patrick Lewis
@ Anthony P. Lewis & Ors.

...Respondents

* * *

- Ms. Janhavee Joshi and Mr. Aditya i/b Zohair & Co., for the Applicant/Petitioner
- Mr. Y. Singh, for Respondent No. 1.
- Mr. E.B. Sivakumar, 1st Assistant to Court Receiver.

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CORAM : MANISH PITALE, J

DATE : 23rd AUGUST, 2023

P. C. :

1. By this application, the Applicant (Petitioner in Contempt Petition) is seeking amendment of the petition to add proposed Respondents and certain other prayers are also be made in the application.

2. It is alleged that the Respondent No. 1 illegally and in violation of the orders of this Court sold the property to Respondent No. 2, who in turn sold part of the property to Respondent Nos. 3 and 4 and other part of the property to the proposed Respondents.

3. In that light, it is submitted that the proposed

Respondents need to be added as parties to the contempt petition. It is further submitted that Court Receiver of this Court was appointed on the property in question and accordingly board of the Court Receiver was affixed on the property, which has been allegedly removed and board at page no. 37 to the present application is presently found at the property in question. On this basis, ancillary directions are sought on behalf of the Applicant (Original Petitioner).

4. This Court is informed that after the Court Receiver was appointed, the original proceedings i.e. Suit No. 3423 of 19996 was transferred to the City Civil Court due to change in pecuniary jurisdiction and hence the Court Receiver has been submitting reports before the City Civil Court.

5. This Court is of the opinion that if the allegations made in the Contempt Petition and the present application are true, it is a serious matter. Yet, Respondent Nos. 1 to 4 have still not filed their reply in the Contempt Petition to explain their conduct, in the light of the allegations made by the Petitioner. Respondent No. 1 is represented by Counsel and short adjournment is sought to file reply in the Contempt Petition.

6. In view of the above, the Respondent No. 1 is granted time of two weeks, as a matter of last chance, to file reply affidavit in the

Contempt Petition.

7. In Interim Application (Lodging) No. 21202 of 2023, issue notice to the proposed Respondents, returnable on 15th September, 2023, as to why they should not be added as parties to the Contempt Petition.

8. Considering the serious allegations made in the application, the Court Receiver of this Court is directed to visit the property in question within two weeks from today and to submit a report to this Court, as regards the status of the property.

9. The Court Receiver may take photographs of the property and place them along with report. If necessary, the Court Receiver shall take assistance of the local Police station for carrying out the directions given hereinabove.

10. The Court Receiver to submit his report within three weeks from today.

11. List Contempt Petition No. 37 of 2013, along with the present petition on the next date of listing.

12. List the petition for further consideration on **15th September, 2023**, “High on Board.”

(MANISH PITALE, J.)