

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

**CONTEMPT PETITION (L) NO. 24658 OF 2025
IN
EXECUTION APPLICATION NO. 2762 OF 2024**

**Chandiwala Enterprises
V/s.**

...Petitioner

Ajay Kumar Garg & Ors.

...Respondents

Mr. Karan Bhosale with Ms. Anuja Divadkar and Mr. Yashwant Singh
i/b NDB Law for the Petitioner/Defendant No.11.

Mr. Agnel Carneiro with Ms. Gayatri Sathe i/b Mulla & Mulla and CBC
for the Respondent

**CORAM : ABHAY AHUJA, J.
DATE : 4th SEPTEMBER, 2025**

PC. :

1. This Petition has been filed alleging breach of the orders of this Court.

2. When the matter is called out, Mr. Bhosale, learned Counsel appearing for the Contempt Petitioner submits that the Respondents have willfully and deliberately breached the orders of this Court including the undertaking given to this Court.

3. Mr. Bhosale draws this Court's attention to the orders at Exhibits A, B and D as well as the consent terms at Exhibit C in support of his

contentions and submits that show cause notice under the Contempt of Courts Act, 1971 be issued in view of the above.

4. Mr. Carneiro, learned Counsel appears for the Respondents and submits that some time be granted to file reply to the Petition as the breach is not willful or intentional. In support Mr. Carneiro draws this Court's attention to paragraph 3 of the consent terms at page 38 and submits that although the Plaintiff has agreed and undertaken to pay Rs. 5,75,00,000/- to the Petitioner, however, the said payment is to be made on receipt of the Occupation Certificate in respect of the development carried on the suit property within four years of the signing of the consent terms or on the sale / transfer of the suit property by the Plaintiffs in favour of any third party whichever is earlier. Mr. Carneiro submits that neither of the two events have happened and that, therefore, the breach is not willful or intentional. That, therefore, this Court before issuing any notice, may hear the Respondents after permitting filing of reply.

5. Having heard the learned Counsel and having considered the submissions, this Court is of the view that the Respondents be permitted to file reply.

6. Let reply be filed within a period of two weeks with copy to the others. Rejoinder in two weeks thereafter with copy to the others. List on **9th October, 2025**.

7. Parties are at liberty to explore amicable settlement on a without prejudice basis.

(ABHAY AHUJA, J.)

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