

vai

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

CONTEMPT PETITION (LODGING) NO.118 OF 2018
IN
COMMERCIAL SUIT NO.24 OF 2016

Lajwanti J. Punjabi & Ors.	...Petitioners
V/s.	
Lasaram K. Patel & Ors.	...Respondents

Mr.Pradeep Havnur with Ms.Radhika Samant for the Petitioners.

Mr.Anuj Narula with Ms.Meena Bhatta I/b M/s.Jhangiani Narula & Associates for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 17TH JANUARY, 2019.

P.C. :-

1. By this contempt petition filed under Article 215 of the Constitution of India and the Contempt of Courts Act, 1971, the petitioners seek an action against the respondents for non-compliance of the consent terms and the order dated 5th December, 2017. The parties have also filed the consent terms before this Court on 11th October, 2018. Admittedly the respondents have committed default of their obligations and undertakings rendered before this Court rendered in both the consent terms.

2. The respondents have proposed to clear the sum of

Rs.1,14,22,000/- by 31st March, 2019 with a grace period of 30 days therefrom. Mr.Havnur, learned counsel appearing for the petitioners is not agreeable to grant any further time to the respondents to clear the amount. He also disputes that only a sum of Rs.1,14,22,000/- is payable by the respondents to the petitioners under those two consent terms filed before this Court

3. In my *prima-facie* view, the respondents have committed violation of the undertakings rendered in the consent terms dated 5th December, 2017 and also in the consent terms dated 11th October, 2018. The office is accordingly directed to issue show cause notice upon the respondents under the provisions of the Contempt of Courts Act, 1971 read with Rule 1035 of the Bombay High Court (Original Side) Rules to show cause as to why appropriate action should not be taken against the respondents for committing deliberate violation of the undertakings rendered in the above referred two consent terms. The show cause notice be made returnable on 14th February, 2019.

(R.D. DHANUKA, J.)