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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVIL) NOS. 155-156 OF 2012

IN
SPECIAL LEAVE PETITION (CIVIL) NOS. 33072-33073 OF 2010

LALIT DWARKADAS CHAPSEY . . .PETITIONER(S)

VERSUS

DR.B.B.PAUL & ORS. . .RESPONDENT(S)/
ALLEGED CONTEMNOR(S)

O R D E R

From the report of the Registrar General of the Bombay High Court that was received on the previous date, it is evident that the respondents while vacating the suit premises badly vandalized it, causing substantial damage to the property. It is stated in the report that the plumbing of the building was torn off, the wiring was ripped off, and two large wooden, weight bearing pillars were also removed by sawing them off at the base. The report also enclosed a number of photographs that showed the heavy damage caused to the building.

The petitioner has got the damage caused to the suit premises assessed by a company of Architects and Surveyors, namely, Poonager Bilimoria & Co., and according to their report, it would take approximately a sum of Rs.39,90,000/- to restore the building to its original position.

It, prima facie, appears that even while vacating the premises, the respondents gave vent to their ire against the Court, which further compounds the earlier contempt committed by them. Normally, we would have come down heavily upon the respondents for their condemnable act, showing open defiance to the authority of the Court but Dr. Singhvi urged the Court to take a lenient view stating that the respondents have filed an affidavit tendering unqualified apology to the Court and seeking its forgiveness.

We accept the apology tendered by the respondents having regard to the fact that respondent No.1 is an old man, 86 years of age and is suffering from various ailments.

The acceptance of the apology, however, is subject to payment of Rs.30,00,000/- (Rupees thirty lakhs only) by the respondents to the petitioner towards the damages caused to the building and the other incidental legal expenses.

The aforesaid amount must be paid by a bank draft drawn in the name of petitioner no.1 within eight weeks from today.

Subject to the payment of the aforesaid amount, the rule of contempt is discharged and the contempt petitions stand disposed of.

We are informed that the proceeding for mesne profit is pending between the parties. We hope and trust that the court below shall conclude the proceeding expeditiously and without any delay.

.....J.
(AFTAB ALAM)

.....J.

