

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 119 OF 2025

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 15751 OF 2024

M/S. RAMKRISHNA RESORTS PVT. LTD. ... PETITIONER

VERSUS

AZRA ASHFAQUE SHAIKH & ORS. ... RESPONDENTS

WITH

CONTEMPT PETITION (CIVIL) NO. 120 OF 2025

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 16147 OF 2024

O R D E R

1. In an ejectment suit filed by the landlord (petitioner) on the grounds of unauthorised additional construction, non-user of premises, nuisance and bona fide need, the Trial Court decreed the same vide judgment dated 19.12.2007. The said judgment was maintained up to the High Court. The special leave petition (C) Nos. 15751 and 16147 of 2024, preferred against the decree of eviction, were dismissed by this Court. However, on the request of the tenant, time to vacate the suit premises

till 31.01.2025 was allowed. The said order is reproduced for ready reference as thus:

"We do not find any ground to interfere with the impugned judgment(s) passed by the High Court. The Special Leave Petitions are, accordingly, dismissed.

Learned counsel for the petitioners prays for minimum one year's time to vacate the suit premises. However, in the facts and circumstances of the case, we direct that the suit premises shall be vacated by the petitioners on or before 31.01.2025 subject to payment of rent and arrears thereof. The petitioners shall hand over the vacant possession of the suit premises to the respondents on or before 31.01.2025 and shall not part with or create third party right therein. The petitioners shall file a usual undertaking in this regard within a period of two weeks from today before the Registrar, High Court of Judicature at Bombay. The violation of the aforesaid terms would be treated as non-compliance of the order of this Court. Pending interlocutory application(s), if any, is/are disposed of."

2. Due to not vacating the premises, the present contempt petitions were filed. On service of notice, contemnors did not appear before this Court. However, vide order dated 9.5.2025, bailable warrants of the sum of Rs.10,000/- were issued for appearance of contemnors

before this Court. After service as per Office Report, they gave an undertaking for appearance on the date so fixed, i.e. 22.05.2025. On the said date, an application has been filed seeking exemption from personal appearance. Simultaneously, by filing the objection, it was urged that they are not in possession of the suit premises and, in fact, the sub-tenant is occupying, therefore, possession could not be delivered.

3. This Court while allowing exemption for the said date passed a detailed order. The relevant part of the order is reproduced thus :

“5) After hearing, we are not inclined to allow the application for cancellation of the bailable warrant because they have not appeared in the contempt proceedings despite service of the notice and have entered appearance virtually only after issuance of the bailable warrant. Therefore, such an application and in particular, looking to the averments made therein it is completely misplaced, hence rejected.

6) So far as the exemption from personal appearance is concerned, we defer the appearance for three days only.

7) During hearing it is informed by the contemnors that they are not in

possession of the suit property and subtenants are staying therein. However, we are not impressed by the said submission looking to the tenor of the order dated 29.07.2024 passed by this Court wherein the petitioners themselves have sought time to vacate the premises. It is to observe that if the contemnors were not in possession, they were not required to ask time to vacate the premises which was granted up to 31.01.2025. As contended, the said direction has not been complied with by them.

8) In view of the foregoing, we direct as under:

(a) The concerned Executing Court-5th Additional Judge, Small Cause Court & Jt. Civil Judge, S.D. Pune, shall send bailiff by 23rd May, 2025 along with police help at spot to take over the possession of the suit premises and if necessary, the lock shall be broke open and the possession be handed over to the petitioner. The report be submitted on or before 27th May, 2025.

(b) Contemnor No.1 shall join virtually and Contemnor Nos. 2 and 3 shall personally remain present before this Court on 27th May, 2025.

(c) All the contemnors shall file apology for noncompliance of the directions of this Court before the next date of listing. Violation, if any, may be looked into on the said date while passing appropriate orders."

4. In furtherance, the 5th Additional Judge, Small

Causes Court, Pune & Additional Civil Judge Senior Division, Pune issued warrant of possession and sent the Bailiff to the spot along with police. The Bailiff in his report has indicated the presence of the petitioner as well as the contemnors and took the possession of the suit property. As such, now the possession has been obtained through the process of the Court, as directed.

5. Learned counsel for the contemnors submits that they were not in possession of the suit property and now the possession thereof has been handed over in compliance to the order of this Court bona fide without any prejudice to the petitioner. Therefore, the non-compliance, if any, is not willful or deliberate. Per contra, learned counsel for the petitioner submits that it is a case in which, while confirming the decree of eviction, the contemnors sought time to vacate the premises and by not vacating the same, they have not complied with the orders of this Court and, therefore, it is a case of willful and deliberate non-compliance on their part. Hence, they may be dealt with to maintain the majesty of the orders of this Court.

6. Having bestowed our consideration and looking to the facts of the case, it is clear that while dismissing the special leave petitions vide order dated 29.07.2024, on the request of contemnors, time to vacate the suit premises, on or before 31.01.2025, was allowed to the contemnors, subject to payment of rent and arrears thereof. It was also directed that the contemnors shall not part with or create any third party right therein. Usual undertaking was also required to be furnished by the contemnors before the Registrar, High Court of Judicature at Bombay within the time so specified as per the order. As alleged, the suit property was not vacated within the time as specified in the order dated 29.07.2024 and the contemnors even after service of the Contempt Petitions evaded their appearance before this Court and their presence was secured through the Police by issuingailable warrants. On appearance, the contemnors raised misplaced objection by taking a plea that they are not in possession of the suit property and exemption from personal appearance was sought, which was granted for the day. This Court by passing the detailed

order on 22.05.2025 rejected the objection raised by the learned counsel for the contemnors with a direction to the 5th Additional Judge, Small Cause Court & Jt. Civil Judge, S.D. Pune, to take recourse through the process of Court and to secure the possession of the suit property.

7. As directed, the Magistrate issued the warrant of possession, directing the Police help and sent the bailiff to take over the possession of the suit property and to hand over the same to the petitioner. In the above facts, it is clear that due to non-handing over of the possession of the suit property by the contemnors, the possession could be delivered to the petitioner through the process of Court by Police help. The lack of bona fide of the contemnors would reveal from the fact that despite service of notice of these Contempt Petitions, they did not appear personally before this Court and their presence could be secured only through bailable warrants. Even at the time of service of bailable warrants, the contemnors gave an undertaking that they would remain personally present in the court on 22.05.2025 but on the said date, they did not appear

personally and sought exemption from personal appearance. Therefore, in our view, it is a case of deliberate and willful non-compliance of the orders of this Court.

8. The contemnor nos. 2 and 3 are present in the Court and contemnor no. 1, being old aged lady has been granted exemption from personal appearance. Despite the direction given in order dated 22.05.2025, they have not tendered any apology, however, we have decided to hear learned counsel for the contemnors on the point of punishment. It is submitted that by now the possession of the suit property has been handed over in compliance, therefore, lenient view may be taken against the contemnors.

9. In the facts as discussed hereinabove, we are not impressed by such submission. It is suffice to say that in terms of the order dated 29.07.2024 of this Court, the contemnors have not voluntarily handed over the peaceful possession of the suit property within the time as sought and they also created third party right therein by inducting a sub-tenant and made the attempt to part with the possession of the premises. The possession of suit

property was obtained through the process of court. As such, they deserve to be punished suitably. In the facts and circumstances, contemnor no. 1, being old age lady, is punished with imposition of a fine of Rs.50,000/-, (Rupees fifty thousand only) while contemnor nos. 2 and 3 are punished with a sentence till rising of the Court and directed to further pay a fine amount of Rs.50,000/- (Rupees fifty thousand only) by each of them. The amount, as directed, shall be deposited with the District Legal Services Authority, Pune, Maharashtra within a period of 15 days from today. In default, the contemnors shall serve one month's civil prison and recourse in this regard be taken by the competent court.

10. In view of the foregoing, the Contempt Petitions stand allowed and disposed of. Pending applications, if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ARAVIND KUMAR]

New Delhi;
May 27, 2025.

ITEM NO.30

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 119/2025 in SLP(C) No. 15751/2024

M/S RAMKRISHNA RESORTS PVT. LTD.

Petitioner(s)

VERSUS

AZRA ASHFAQUE SHAIKH & ORS.

Respondent(s)

WITH

CONMT.PET.(C) No. 120/2025 in SLP(C) No. 16147/2024 (IX)

Date : 27-05-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) : Mr. C. George Thomas, AOR
Mr. Ansh Mittal, Adv.

For Respondent(s) : Ms. Sangita S. Patil, Adv.
Mr. Sagar Pahune Patil, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Contempt Petitions stand allowed in terms of the signed order. Pending applications, if any, shall stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)