

ITEM NO.27

COURT NO.5

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)

[TO BE TAKEN UP IMMEDIATELY AFTER THE FRESH MATTERS.]

WITH

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

Date : 22-05-2025 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. Gaurav Agrawal, Sr. Adv.  
Mr. C. George Thomas, AOR  
Mr. Ansh Mittal, Adv.

For Respondent(s) :

Ms. Sangeeta S. Pahune Patil, Adv.  
Mr. Sagar N. Pahune Patil, Adv.

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

1) The instant contempt petition has been filed alleging non-compliance of order dated 29.07.2024 in SLP (C)No. 15751 of 2024 and SLP (C)No. 16147 of 2024. The said order is relevant, therefore, reproduced 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) As alleged in the petition, in compliance, the possession has not been handed over on or before 31.01.2025; however, after issuing notice, the present petition has been filed.

3) Even after service, the contemnors had not appeared, however,ailable warrants were issued against them. In execution of the saidailable warrant, they had undertaken to appear before this Court today, 22<sup>nd</sup> May, 2025, but they are not present in person and have joined the proceedings virtually.

4) During hearing it is submitted that they have e-filed the applications supplying a copy to the other side, i.e.,

the application for cancellation of bailable warrant as well as exemption from personal appearance.

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 sub-tenants 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-5<sup>th</sup> Additional Judge, Small Cause Court & Jt. Civil Judge, S.D. Pune, shall send bailiff by 23<sup>rd</sup> 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 27<sup>th</sup> May, 2025.
- (b) Contemnor No.1 shall join virtually and Contemnor Nos. 2 and 3 shall personally remain present before this Court on 27<sup>th</sup> May, 2025.
- (c) All the contemnors shall file apology for non-compliance 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.
- 9) List on 27<sup>th</sup> May, 2025.

**(NIDHI AHUJA)**  
**AR-cum-PS**

**(NAND KISHOR)**  
**ASSISTANT REGISTRAR**