

Bhattad Leasing & Finance Co. Ltd.

Vs

Nusli Neville Wadia and Others

Civil Appeal No. 10180 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

30.10.1995

ORDER

1. Leave granted.
2. Having heard all the counsel for both the parties in extenso and perusing relevant material on record, ultimately we conclude that this is not a case fit for convicting Respondents 5, 6 and 7 for violation of the status quo order made by the High Court on 30-5-1994. No case of contempt arises against Respondents 1 to 4. Though sixth respondent was served with the notice directing him to be present, he was not present. Had we been informed at the beginning, we would have taken appropriate steps for his presence by non-bailable warrants. But at the end of the arguments, we were informed of it. We strongly condemn his conduct as unbecoming of a responsible citizen.
3. However, these facts which emerged at the hearing are relevant facts to be considered for the purpose of disposal of the writ petition on merits. Since the writ petition is pending, we decline to express any opinion on the facts and circumstances and on merits. The contempt petition is accordingly dismissed.
4. However, the High Court is requested to dispose of the writ petition as expeditiously as possible preferably within six months from the date of receipt of this order.
5. The Receiver's report disclosed that possession of 39,000 sq. mts. of land was given by Respondents 5 and 6 to the East West Development Company. In that behalf since the controversy was not focussed in the High Court and the matter has come to light only through the report submitted by the Court Receiver after the contempt proceedings were initiated, it is open to the petitioner to take appropriate action according to law. The appeal is dismissed accordingly.