Chaitanya

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

CONTEMPT PETITION (L) NO. 35476 OF 2024
IN
APPEAL NO. 36 OF 2022

Dhyandev Kachruji Wankhede … Petitioner

Versus

Nawab Malik … Respondent

Ms Sana Raees Khan a/w Ms Neha Balani, for Petitioner.

Mr Firoz Bharucha a/w Mr Faiyaz Khan i/b Jay & Co., for Respondent.

CORAM : M.S. Sonak &
Jitendra Jain, JJ.

DATED : 11 JULY 2025

PC:-

1. Heard learned counsel for the parties.

2. We have heard Ms Khan exhaustively in support of this Contempt Petition. However, there no clarity regarding the precise order or undertaking based on which this Contempt Petition is filed.

3. Ms Khan finally referred to our order dated 08 February 2022 in a previous Contempt Petition filed against the Respondent. In paragraph 7 of this Contempt Petition, the earlier order of 10 December 2021 is quoted. This order of 10 December 2021 refers to an affidavit filed by the Respondent, in which, he had stated that even if any further questions

were posed to him by the media in respect of the present Petitioner or the member of the Petitioner's family, he shall not respond thereto or make any comment thereon.

4. This Petition now alleges that by making the tweet at page 58 of our paper book, the Respondent, has breached this undertaking. On examining the tweet, we are not satisfied that such a statement amounts to any breach of undertaking.

5. In any event, it is now pointed out to us that the statements made were to operate during the pendency of Suit (L) No. 25974 of 2021 and connected matters. It is now pointed out that the suit has been dismissed for non-clearance of office objections. The allegations primarily relate to the period after disposal of the suit.

6. A contempt is a matter between the Contemnor and the Court. The role of the Petitioner is only to place the circumstances before the Court.

7. Considering the above circumstances cumulatively, we do not deem it appropriate to exercise our contempt jurisdiction in this matter.

8. Accordingly, the Contempt Petition is dismissed, leaving it open to the Petitioner to resort to any other remedies to secure restoration of the suit and to pursue the reliefs in the suit.

(Jitendra Jain, J) (M.S. Sonak, J)