

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 3365 OF 2017

M/S. SHRUTI ENTERPRISES

Appellant(s)

VERSUS

SAVITA @ SAVITRI RAMDAS RODPALKAR AND ORS

Respondent(s)

WITH

CIVIL APPEAL NO. 3366 OF 2017  
AND  
CIVIL APPEAL NO. 3367 OF 2017

O R D E R

- 1) Heard the learned counsel appearing for the parties.
- 2) The only question which arises for our consideration in these matters is whether the Appellate Court has power to pass orders under Order 39 Rule 11 of the Code of Civil Procedure, 1908.
- 3) It appears that during the subsistence of an order directing the appellants to maintain status quo, steps have been taken by entering into an Agreement in respect of the suit property with third party in violation of the order passed by the High Court
- 4) Having regard to the facts of the case, the High Court came to the conclusion that if the order passed by the Appellate Court is breached willfully, then the Appeal Court can take notice of the events which have happened after the institution of the suit or after filing of the Appeal. Considering the possibility of breach of order of the Court, the Appellate Court is justified in taking action under Order 39 Rule 11 of the Code. The High Court also

held that considering the nature of breach and in view of the finding, the order of the Appellate Court cannot be faulted with.

5) Having gone through the records of the case and perusing the judgments of the Courts below, we find no reason to interfere with the order so passed by the High Court and we fully concur with the reasoning given by the High court.

6) Accordingly, we find no merit in the appeals and the same are dismissed.

7) Consequent upon the dismissal of these appeals, interim order stands vacated.

..... J.  
(PINAKI CHANDRA GHOSE)

..... J.  
(S. ABDUL NAZEER)

New Delhi;  
April 05, 2017.

ITEM NO.101

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

Civil Appeal No(s). 3365/2017

M/S. SHRUTI ENTERPRISES

Appellant(s)

VERSUS

SAVITA @ SAVITRI RAMDAS RODPALKAR AND ORS

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and permission to file additional documents)

WITH

C.A. No. 3366/2017

(With Appln. (s) for exemption from filing c/c of the impugned Judgment and exemption from filing O.T. and Interim Relief and Office Report)

C.A. No. 3367/2017

(With Appln. (s) for permission to file additional documents and exemption from filing O.T. and Office Report)

Date : 05/04/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE S. ABDUL NAZEER

Counsel for parties

Mr. Dilip Annasaheb Taur, AOR

Mr. R.S. Suri, Adv.

Ms. Aruna Gupta, AOR

Ms. Prerna Mehta, AOR

Mr. Santosh Krishnan, AOR

Tamoghna Goswami, Adv.

Mr. J.P. Cama, Sr. Adv.

Mr. Sunil I. Jayakar, Adv.

Mr. Eashan A. Limaye, Adv.

Mr. Divesh Chamboowala, Adv.

Ms. Gunjan Jayakar, Adv.

Mr. Miheer S. Jayakar, Adv.

Mr. Praveen Nagar, Adv.  
Mr. T. V. S. Raghavendra Sreyas, AOR  
Mrs. Gayatri Gulati Sreyas, Adv.

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

We find no merit in the appeals and the same are dismissed in terms of the signed order.

Consequent upon the dismissal of these appeals, interim order stands vacated.

(R. NATARAJAN)  
Court Master

(SHAKTI P. SHARMA)  
Court Master

(Signed order is placed on the file)