

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CONT. PETITION NO. 506 OF 2011
WITH CA/10393/2013 IN CP/506/2011

THE STATE BANK OF INDIA
VERSUS
NATHUJI RUNJAJI HIWARALE AND ANR

...
Advocate for Petitioner : Vakil Laharimanohar D.
R/2 Formal Party
Adv. Mr.Sakolkar Vijay G. For R/1
...

CORAM : S.V.GANGAPURWALA,J.

DATED : 12TH OCTOBER, 2015

ORDER :-

Heard Mr.Vakil, learned counsel for petitioner and Mr.Sakolkar, learned counsel for respondent no.1. Respondent no.1 Nathaji Runjaji Hiwarale is present in the Court.

2] The grievance is that the respondent has committed contempt of the order of District Court passed on 10/12/2010. According to the petitioner inspite of orders passed by District Court to maintain status quo, the respondent deliberately, willfully and intentionally dispossessed the petitioner. Subsequently, after seeking order, possession has been taken back by petitioner. According to the learned counsel, they have not scrupulously followed order of the Court. Mr.Sakolkar, learned counsel for respondent submits that there were many litigations pending. Due to misunderstanding the respondent had taken the possession, however, they did not have any intention to disobey order of the Court. The possession is with

the petitioner and the respondents have no intention to disturb the possession of the petitioner. The learned counsel submits that the respondents have tendered unconditional apology for the act that has been done. The said affidavit is taken on record and marked "X" for identification.

3] In the affidavit, unconditional apology has been tendered and it has been stated that the respondent is not in possession of the suit land and he has not disturbed the petitioner in its possession.

4] In view of the affidavit that is filed by respondents, I accept the said unconditional apology. In view of the unconditional apology tendered by respondents, no further action is taken against the respondents. Contempt Petition is disposed of.

[S.V.GANGAPURWALA,J.]

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