

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 94 OF 2014

Smt. Ratan @ Ratna Raghunath Patil .. Petitioner

vs.

Mr. Bhuvnesh Kashinath Patil .. Respondent

WITH

CIVIL APPLICATION NOS.9 AND 10 OF 2015

Smt. Ratan @ Ratna Raghunath Patil .. Petitioner
(since deceased)

vs.

Mr. Bhuvnesh Kashinath Patil .. Respondent

And

Mr. Keshav Kashinath Mahtre .. Applicant/
Proposed Petitioner.

Mr. Y. M. Kanchan for the Petitioner/Applicant.

Mr. G.S. Jadhav h/f. Mr. R.D. Suryawanshi for the Respondent.

Ms Geeta Nair, Section Officer-Court Receiver present.

CORAM : M. S. SONAK, J.

DATE : 1 JULY 2015.

P.C. :-

1] In pursuance of earlier orders, the possession of the suit premises is with the Court Receiver. The contemnor has ultimately vacated the suit premises in pursuance of the orders, in respect of which contempt was alleged. There is, however, delay of around three months in compliance. For this purpose, the respondent has tendered an apology. Accordingly, there is no reason to continue with this contempt petition.

2] However, as set out in the order dated 9 March 2015, this Court was constrained to appoint a Court Receiver, in order to obtain possession of the suit premises. For this purpose, the petitioner was directed to deposit a sum of Rs.15,000/- with the Court Receiver to meet the expenses and charges of the Court Receiver's office. The petitioner has to incur this expenditure, obviously on account of reluctance on the part of the respondent to comply with the orders for handing over possession with the prescribed period. It is, therefore, only fair and proper that the respondent reimburse such amount to the petitioner. The respondent is, therefore, directed to deposit with the Court Receiver's office a sum of Rs.15,000/-, within a period of four weeks from today. Thereafter, the Court Receiver to refund to the person/persons entitled to the possession of the suit premises, the amounts if any, as may remain after deducting the expenses and charges of the Court Receiver.

3] Subject to the aforesaid, this contempt petition is disposed of.

4] In view of disposal of Contempt Petition No. 94 of 2014, Civil Application Nos.9 and 10 of 2015 does not survive and are accordingly, disposed of.

(M. S. SONAK, J.)