

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CONTEMPT PETITION NO.254/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R. D. Soni i/b. K. N. Kandekar for the Petitioner
Mr. A. R. Metkari, AGP for State.
Mr. M. A. Adenwala for the Respondent No.1.

CORAM : K. K. TATED, J.
DATE : JULY 2, 2015

P.C.:

1. Heard. This Contempt Petition is preferred by the Petitioner alleging that the Respondent No.1 contemnor failed and neglected to handover possession of the residential flat bearing No.B-8, Room No.21, New India Assurance Staff Colony, 34CD Barfiwala Marg, Andheri (W), Mumbai – 400 058, in spite of the order passed by the Estate Officer on 28/03/2011 in Case Nos.001 and 001A of 2010 and order dated 13/04/2011 passed by the Bombay City Civil Court, Mumbai in Misc. Appeal No.59/2011.

2. The learned counsel for the Respondent No.1 filed affidavit dated 02/7/2015 stating that he complied with the order passed by this court on 25/06/2015 by handing over possession of the suit flat to the Petitioner. He also tendered

unconditional apology. Paragraph 2 and 3 of the said affidavit reads thus:

“2. I, therefore, say that the alleged contempt is purged and I say my only objection is that the Respondents have not paid my legal dues on retirement and have also not started my pension. I, therefore, pray that appropriate direction may be granted.

3. I say that if this Hon'ble Court hold that I have committed contempt, I tender unconditional apology for the same. I say that I was under genuine belief that I am entitled to retain possession. I say that my apology be accepted.”

3. Considering the subsequent events that the Respondent, purged the contempt and handed over vacant and peaceful possession of the flat to the Petitioner and also tendered unconditional apology by affidavit dated 02/07/2015, I do not find any reason to take any action against the Respondent contemnor. Hence, the Contempt Petition stands dismissed.

4. The Petitioner to consider the Application filed by Respondent No.1 for his dues as stated in paragraph 2 of the affidavit dated 02/07/2015, on its own merits.

JUDGE