

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

CONTEMPT PETITION NO. 301 OF 2013

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. J. S. Kini i/b Suresh Dubey for the Petitioner.
Mr. Abhishek Deshmukh for respondent nos. 2 & 3.

**CORAM : K. K. TATED, J.
DATED : 13/07/2015.**

PC.:

. Heard learned Counsel for the parties.

2 The learned counsel for the petitioner submits that the respondent no.1A filed Affidavit-in-Reply dated 08.10.2013. He submits that paragraph 7 reads thus:

"7. I thus state and submit that the respondents herein have taken due care to keep the same area as reflected in the plan submitted before this Hon'ble Court on 5th November, 2012 and therefore, it is incorrect on the part of the petitioner to state that the area of the shop is reduced as alleged in para 7. It is submitted that the petitioner herein is non-participating occupant in the redevelopment scheme and had filed the suit in the City Civil Court wherein he could not get any relief and thereafter the Appeal from order was filed in this Hon'ble Court. I state and submit that the order passed by this Hon'ble Court is duly complied with and, therefore, the Contempt Petition be dismissed. As stated earlier that

the Architect had submitted the plans for amendment where some portion was shown to be reduced which is now rectified by filing subsequent plans which was duly sanctioned by the Municipal Corporation on 3rd August, 2013. The said sanctioned plan which is duly amended shows the same area which is part of the plan which has been submitted before this Hon'ble Court on 5th November, 2012. Under these circumstances it is stated that there is no violation on the part of the respondents thereby reducing the area as alleged by the petitioner and, therefore, the Contempt Petition is devoid of any merit and the same be dismissed."

3 He submits that in view of statement made by respondent no.1A in paragraph 7, petitioner does not want to proceed in the matter.

4 Hence, following order is passed:

a) Statement made by respondent no.1A in paragraph 7 of their Affidavit-in-Reply dated 08.10.2013 is accepted.

b) Contempt Petition stands dismissed as withdrawn. No order as to costs.

(K.K.TATED, J.)