

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 13 OF 2015

Smt. Shantabai Mahadu Chaure alias
Smt. Sulochana Vasant Dalvi ... Petitioner
Vs.
Deoram Sakru Busar & Anr. ... Respondents

Mr. N.N. Patil, Advocate for the petitioner.
Mr. Girish R. Agrawal, Advocate for respondent nos. 1 and 2.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : 23rd November, 2015

P.C.:

This Contempt Petition is filed by one Shantabai Mahadu Chaure, who is defendant no. 2 in Special Civil Suit No. 510 of 2009, which was filed for specific performance of oral agreement and perpetual injunction. In the said suit, counter claim was filed by the petitioner. The suit was partly decreed. The specific performance was rejected. However, defendant no. 2/petitioner was directed to pay an amount to the plaintiff and as the counter claim was also decreed, plaintiff/respondent no. 1 and his agents are perpetually restrained from causing obstruction to the peaceful possession of the petitioner over the suit lands.

2. This Contempt Petition is filed by Shantabai/original defendant no. 1 that the respondents on 3rd July, 2014 with intention to defy the order of

injunction dated 11th June, 2014 has deliberately entered the suit property, i.e. lands bearing Gat No. 125 and Gat No. 122 of Village Ahintwadi, Taluka Dindori, District Nashik.

3. The learned counsel for the respondents submitted that he has filed the affidavit-in-reply. He submitted that the allegations made by the learned counsel for the petitioner are denied and the respondents have no intention to defy the order passed by the trial Court. He has also submitted that if at all the Court comes to the conclusion that the respondents have committed contempt of the order of the Court, then he tendered unconditional apology .

4. This is the Petition in respect of contempt of the order of the Court of not to obstruct the peaceful possession of the petitioner. In view of the nature of contempt and the apology tendered by the respondents, I accept the said apology and the Contempt Petition is hereby disposed of.

(MRIDULA BHATKAR, J.)