

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.115 OF 2009**

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. Raj Patel, Advocate for Petitioner.
Ms. Rita Yadav, Advocate for Respondent No.1.

CORAM : R. G. KETKAR, J.

DATE : 18/07/2016

P.C.:

1. Heard Mr.Raj Patel, learned Counsel for the petitioner and Ms.Rita Yadav, learned Counsel for respondent No.1, at length.

2. It is not disputed that the respondent No.1 has handed over possession of the suit premises to the petitioner on 30.11.2015. It is common ground between the parties that respondent No.1 is in arrears of hundred months rent @ Rs.504/-quarterly. Ms. Yadav states that the wife of respondent No.1 is present in the Court. Upon taking instructions from her, she assures that within 10 days from today, respondent No.1 will deposit Rs.16632/- in this Court towards arrears of hundred months rent @ Rs.504/- quarterly, under intimation in writing to the learned Counsel for

the petitioners. Statement made by Ms. Yadav, upon instructions, are recorded.

3. Mr. Patel states that arbitration proceedings between Vasantkumar Pranvallabh Cholera and Jitendra Pranvallabh Chowlera are pending before the Sole Arbitrator. In view thereof, Registry is directed to invest the amount deposited in any Nationalized Bank initially for a period of one year from today and shall be renewed during pendency of the arbitration proceedings in the account of Contempt Petition No.115/2009.

4. Mr. Patel submitted that subject to the outcome of those proceedings, the petitioners may be permitted to withdraw the amount so deposited by the first respondent together with accrued interest thereon. Mr. Patel fairly states that in case respondent No.1 deposits Rs.16,632/- in this Court within 10 days from today, the petitioners will not press this Petition as the possession is already handed over.

5. Ms. Yadav states that upon depositing the amount in this Court under intimation in writing to the petitioners, respondent No.1 may be permitted to remove the articles lying in the suit premises. Mr. Patel, upon taking instructions from petitioner No.2 who is present in the Court, states that upon depositing the

amount, the petitioners will have no objection for respondent No.1 removing their articles. Statements made by learned Counsel for the parties are recorded.

6. In view thereof, no case is made out for initiating action under the Contempt of Courts Act, 1971. Rule is discharged. In the circumstances, there shall be no order as to costs. List the Contempt Petition for reporting compliance after two weeks.

(R. G. KETKAR, J.)