

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.577 OF 2014

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.Vivek R. Walawalkar with Mr.S.R.Ingule for
the petitioner

Mrs.Asha Nair i/b M/s.Diamondwala & Co. for
the respondent

CORAM : K.K.TATED, J.
DATED : 14/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 By this Contempt Petition, petitioner alleges that the respondent contemnor no.1 failed and neglected to comply the terms and conditions of the Consent Terms dated 21.10.2011 in S.C.Suit No.1502 of 2011 in Bombay City Civil Court, Mumbai.
- 3 He submits that Consent Terms were accepted by the Trial Court. He submits that as per terms of Consent Terms the contemnor no.1 in clause 3 and 6 agreed and undertook to provide permanent alternate accomodation admeasuring 753. sq.ft. as per the notice issued under section 33(7) of the

D.C.Regulations, 1991 to the petitioner and also to execute the relevant agreement and register with the Sub-Registrar of Assurance at its own cost. He submits that thereafter as per the order dated 4.1.2016 declared by competent authority the petitioner declared as a tenant of the structure.

4 In view of subsequent development, contemnor no.6, Kaushik More director of contemnor no.1 filed affidavit cum undertaking dated 12.1.2016 stating that they are ready and willing to provide permanent alternate accommodation to the petitioner as per the consent terms dated 21.10.2011. The said affidavit cum undertaking is taken on record and marked 'X' for identification. Undertaking given by the contemnor no.6 is accepted.

5 The learned counsel for the respondent makes a statement across the bar that respondent undertakes to execute the relevant agreement for permanent alternate accommodation with the petitioner within four weeks from today and get it registered at their own cost. Same is accepted.

6 In view of subsequent development nothing survives in the Contempt Petition. Same is dismissed.

(K.K.TATED, J.)