

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

***CONTEMPT PETITION NO. 435 OF 2016
IN
WRIT PETITION NO. 6317 OF 2016***

Mr. Ramesh Gawda

.. Petitioner

Vs

Shri Vivek Agarwal

.. Respondent

Mr. S. H. Mishra for the Petitioner.

***CORAM : N.M.Jamdar, J.
Tuesday, 29 November 2016.***

P.C. :

. The contempt alleged is of the order dated 10 June 2016. By this order the Writ Petition filed by the Respondent was dismissed and the interim relief was continued for a period of eight weeks on a condition that the undertaking will be filed within two weeks and also that the arrears will be deposited. The order dated 10 June 2016 stipulated that if these conditions are not fulfilled, the interim relief shall stand vacated. Thereafter, the matter was placed on board on 12 August 2016, and after hearing the learned counsel for the Petitioner, an order was passed observing that the interim relief stood vacated. As a consequence of the interim relief being vacated, the order is executable forthwith. In the facts of the present case, the interim order was continued on a condition and default of the condition was stipulated in the order. Thereafter, by

a speaking order, the interim order has been vacated. In these circumstances, the power under Contempts of Court Act to punish the Respondent need not be exercised. The contempt petition is disposed of. It is open to the Petitioner to take out such proceeding as may be available in law, for the execution of the decree.

(N.M.Jamdar, J.)