

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

CONTEMPT PETITION NO.578 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.PM.Shah for the petitioner

Mr.Shailesh P. Dalal i/b M/s.Dalal and Co. for the respondent no.1

Mr.Deepak J. Lulia for the respondent no.2

CORAM : K.K.TATED, J.
DATED : 29/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 By this Contempt Petition, the petitioner allege that the respondent contemnor failed and neglected to comply with the terms and conditions of the Consent Terms dated 30.9.2010 passed by this court in Civil Revision Application No.488 of 2010.
- 3 During the pendency of the present Contempt Petition respondent no.2, Citymaker Builders Pvt.Ltd. was added as a party. Respondent no.2 through its director filed affidavit cum undertaking dated 28.1.2016 stating that they are ready and willing to comply the terms and conditions of the

Consent Terms dated 30.9.2010. To that effect, he has given undertaking in paragraph 2 of the said affidavit. Aziz-Ur-Rehman, deponent of the said affidavit is present in court. Undertaking is accepted. Advocate for respondent no.2 also placed on record certified true copy of the resolution passed by respondent no.2 Company. Same is taken on record and marked 'X' for identification.

4 The learned counsel for the respondent no.2 during the course of argument handed over cheque of Rs.2,31,000/- to the petitioner's advocate towards the rent upto May 2016 as per clause 8 of the Consent Terms. As the respondent no.2 undertakes to comply with the terms and conditions of the Consent Terms dated 30.9.2010 and he has already paid rent as per clause 8 of the Consent Terms, I do not find anything remains in the present Contempt Petition. Hence, Contempt Petition is dismissed as infructuous.

(K.K.TATED, J.)