

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

CONTEMPT PETITION (ST) NO.32727 OF 2015

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.J.S.Kini i/b Mr.Suresh Dubey for the petitioner

Mr.Bharat R. Zaveri for the respondent nos.2 to 4

CORAM : K.K.TATED, J.
DATED : 06/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 By this Contempt Petition, petitioner alleges that the respondent violated the order dated 20.11.2015 passed by Small Causes Court at Bombay below Exhibit-8 in R.A.D.Suit No.1713 of 2015. He submits that by that order, Small Causes Court directed respondent original defendant not to disturb the petitioner / plaintiff's possession over the suit premises i.e. shop no...26 Building No.2/2A, Mahavir Building Compound, Plot bearing No.396, Bhandarkar Road, Matunga (Central Railway), Mumbai 400 019. He submits that inspite of the said order respondent started

demolishing the other structures in such a way that it became impossible for the petitioner to carry on his business in the suit premises. In support of this contention he relies on photographs pg 110 Exhibit-'E' collectively.

3 The learned counsel for the respondent filed affidavit dated 6.1.2016 and gave an undertaking that the respondent will not prevent the petitioner's entry and exit from the said premises. Advocate for the respondent submits that deponent of the affidavit dated 6.1.2016 Rajan P. Shah is present in court. His undertaking is accepted.

4 In view of the undertaking given by the respondent by affidavit dated 6.1.2016, I do not find any substance in the present Contempt Petition. Same is dismissed as infructuous.

(K.K.TATED, J.)