

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.110/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Arshad Haindady for the petitioner
Mr. A. R. Metkari, AGP for Respondent No.4.
Mr. Nilabh Toshniwal i/b. Manoj A. Patil for respondent No.1.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 5, 2016

P.C.:

1. Heard. 1. Heard. The learned AGP filed Affidavit-in-Reply dated 05/02/2016 duly affirmed by Mr.Gajanan Namdeorao Raut, CEO of Araey Milk Colony. Same is taken on record. In this Affidavit-in-Reply the Respondent made a statement that they are ready and willing to hand over the suit gala to the original allottee. Paragraph 4 of the Affidavit-in-Reply reads thus:

4. I say that in the capacity of Chief Executive Officer of Aarey Milk Colony, while discharging the duties, I am ready to exercise the discretion and ready to hand over the sealed premises, which is subject matter of the contempt petition, to the original allottee's of the said gala. I will hand over the possession of the said galas/ property forthwith only and

will adopt the appropriate remedy for eviction in accordance with law by following the procedure in the interest.”

2. The learned counsel for the Petitioner submits that original allottee expired. He submits that for last several years, the Petitioner has been in possession of the suit premises and paying rent. He further submits that the Petitioner undertakes to satisfy the Respondent that he is entitled to the possession of the suit premises on the basis of certain documents. Statement is accepted.

3. The learned counsel for the Applicant submits that in view of the Affidavit-in-Reply filed by Mr.Gajanan Namdeorao Raut, CEO of Araey Milk Colony, the Petitioner may be permitted to withdraw the Contempt Petition. Same is allowed.

4. The Contempt Petition stands dismissed as withdrawn.

5. The Officer in-charge of the Respondent Array Milk Colony to verify whether the Petitioner is entitled to the suit premises. If they are entitled to the same, they must act as per paragraph 4 of the Affidavit-in-Reply.

JUDGE