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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.50 OF 2017

V. K. Kulur

... Petitioner

vs.

Venus Trading Company

... Respondent

Mr. K.A. Khan for the Petitioner.

None for the Respondent.

CORAM : A.K. MENON, J.

DATE : 18th JULY, 2017

P.C.

1. This contempt petition seeks to secure action against the contemnor being the sole respondent for alleged breach of order dated 19th January, 2009 passed by this Court in Criminal Writ Petition no.2459 of 2008 and 2460 of 2008. At the hearing of the matters the counsel for the first respondent who is respondent in this contempt petition made a statement that the first respondent's witness would available himself for examination under Section 145(2) of the Negotiable Instrument Act. In view of the said statement, the impugned order was set aside and the affidavit in lieu of examination in chief and the documents tendered by the respondent no.1 which were taken on record by the Magistrate Court was directed to be returned to the complainant alongwith documents annexed.
2. Today, the learned counsel for the applicant states that the said order has been complied with. However, thereafter vide an order dated 3rd January,

2017 the trial Court has once again called upon the respondent to file an affidavit in this he contends amounts to contempt of the order dated 19th January, 2009. I am unable to accept this contention of the learned counsel for the petitioner inasmuch as the order passed by this Court has admittedly been complied with. Subsequent order that may have been passed in the lower Court will be subject to an appropriate challenges permissible in law. I am not able to find any reason to entertain this petition. In the circumstances, I pass the following order:-

- (i) Petition is rejected.
- (ii) No orders as to costs.

(A. K. MENON, J.)