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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.220 OF 2016

IN

CIVIL APPLICATION NO.1285 OF 2014

IN

SECOND APPEAL NO.529 OF 2014

Smt. Ambutai Mahadeo Suryawanshi

..Petitioner.

V/s.

PrakashYashwant Aarate & Ors.

..Respondents.

Mr.Aushutosh Kulkarni for the Petitioner in CP.

Coram : N.M.Jamdar, J.

Date : 3 April 2017

P.C.:-

The learned counsel for the Petitioner has brought my attention to the order passed by the learned Single Judge in Civil Application No.1285 of 2014 and Civil Application No.931 of 2017.

2. The factual position which is sought to be brought on record by the Petitioner was already placed in the Civil Application and order on merits as recorded *inter se* between the parties was passed and interim relief was granted, reconstruction of the

demolished structure was also directed and possession is protected. While disposing of the Civil Applications, the learned Single Judge in para 3 observed as under :-

“3. In view of the circumstances narrated above and the interim protection today confirmed in Civil Application No.1285 of 2014, no order needs to be passed in Civil Application No.931 of 2016, save and except in connection with the account and expenses incurred for reconstruction of the demolished structure and acceptance or otherwise of the apology tendered by Respondent Nos. 1 and 2. As far as the apology is concerned, since now the interim relief is confirmed in favour of the Applicant / Appellant and her possession is protected, there may be a case for taking a lenient view and accepting the Respondents' apology and drop further proceedings in this behalf. As for the account of the expenses incurred for reconstruction of the demolished structure, the issue will be decided at the hearing of the Second Appeal. Civil Application No.931 of 2016 is disposed of with the clarification as above.”

3. In view of the observation made by the learned Single Judge in the said order, it is not necessary to take the contempt petition any further. The contempt petition is accordingly disposed of.

(N.M.Jamdar, J.)