

Sequeira

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

CONTEMPT PETITION NO. 92 OF 2016

Mr.Gajanan Dattatraya Bobade .. Petitioner
Vs
Sou.Surekha Bhanudas Raut & ors. .. Respondents

In
SECOND APPEAL NO. 390 OF 2005

Sriram Vinayak Deshpande
deceased through legal heirs &
representatives :

1. Smt.Prabha Sriram Deshpande & ors. .. Appellants
Vs
Surekha Bhanudas Raut & anr. .. Respondents

Mr.Siddesh Pilankar i/b Uday Warunjikar, for Petitioner in Contempt
Petition No.92 of 2016 and Appellants in Second Appeal No.390 of
2005.

Mr.P.B.Gujar, for Respondent Nos.1 and 2 in Contempt Petition
No.92 of 2016 and Second Appeal No.390 of 2005.

Mr.Ameet Palkar- Assistant Government Pleader, for Respondent
No.3 in Contempt Petition No.92 of 2016.

Respondent Nos.1 and 2 present in Court.

Coram : N.M.Jamdar, J.
Date : 27 April 2017.

Oral order :

Heard learned counsel for the parties. The learned counsel for Respondents states that Respondents are present in the Court to tender their unconditional apology and states that to show their bonafides the Respondents are ready to deposit an amount of Rs.1000 /- per month in the Trial Court subject to outcome of the Appeal.

2. As stated in the order dated 20 April 2017, it appears that certain modifications have been carried out to the suit structure, even though there was an order of status-quo. It is sought to be contended by learned counsel for Respondents that these modifications are only tenantable repairs and there was no intention of violating the order of the Court nor the structure is damaged. Even assuming to be so, nothing stopped Respondents from taking permission from this Court when specific interim order was passed. However, now since unconditional apology is tendered and a stand is taken regarding deposit of Rs.1000/- per month, it needs to be considered. To inculcate a sense of discipline and realisation of what has been done by the Respondent, it will be necessary that this amount is deposited in the Trial Court each month by Respondent No.2 personally. The amount of Rs.1000/- will be deposited by Respondent personally before tenth of each month till the disposal of this appeal. The amount so deposited will be subject to the final orders to be passed in the Appeal, and at time of final disposal the Court will pass suitable

orders.

3. The learned counsel for the Respondents on instructions states that no changes in the suit structure will be carried out unless specific application is made to this Court. This undertaking on instructions is accepted.

4. In view of this position I do not find that it is necessary to take the matter any further. Contempt Petition is accordingly disposed of. If there is any default in payment of Rs.1000/- per month as directed it will be open to the Petitioner to revive the Contempt Petition.

(N.M.Jamdar, J.)