

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

**CONTEMPT PETITION NO.458 OF 2016
IN
CIVIL REVISION APPLICATION NO.36 OF 2015**

**Babulal Bhagirath Sarada
Since deceased through Legal Heirs
Shri. Ashok Babulal Sarada and others ..Petitioners**

Versus

**M/s. Shriram Sindh Co.
Through its Proprietor
Narayandas Chandumal Gurnani
Since deceased through Legal Heirs
Shri. Haresh Narayan Gurnani and others ..Respondents**

**Shri. Rohit R. Sonavane for the Petitioners.
Shri. Rahul Nerlekar for the Respondent No.1.**

**CORAM : R. M. SAVANT, J.
DATE : 12th APRIL, 2017**

PC.

1 The contempt alleged is of the undertaking dated 30.03.2015 filed pursuant to the order dated 18.03.2015 passed in the above Civil Revision Application No.36 of 2015. It is alleged against the Respondents that in spite of undertaking the possession of the suit premises was not handed over to the Petitioner i.e. Contemner. The Learned Counsel Shri. Rahul Nerlekar appearing on behalf of the Respondent No.1 draws this Court's attention to the affidavit dated 13.02.2017 filed by the Petitioner No.1/1 Shri. Ashok Babulal Sarada in

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the execution proceedings being Regular Darkhast No.78 of 2016. In the said affidavit it has been stated that the possession was handed over on the said day i.e. 13.02.2017 of the suit premises i.e. four shops. It is further stated that the possession has been handed over in the presence of the two witnesses and keys of the suit premises have also been handed over. In view of the fact of the possession being already handed over to the Petitioners on 13.02.2017, there is now no warrant to proceed in the contempt jurisdiction. The Contempt Petition is accordingly disposed of. The affidavit dated 13.02.2017 of Shri. Ashok Babulal Sarada is taken on record and marked as "X" for identification.

[R.M.SAVANT, J]