

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

CONTEMPT PETITION NO. 257 OF 2010

IN

WRIT PETITION NO.6937 OF 1999

Mohan S/o. Dattatray Dalal

..Petitioner

Versus

Shivajirao S. Kapre and ors.

..Respondents

Mr. Uday Badadare i/b. Mr. H. G. Misar, advocate for the petitioner.

Mr. Mandar Limaye, advocate for the respondent No.1.

Mr. Bharat Gadhavi i/b. Mr. Tejas Dande, advocate for the respondent No.3.

**CORAM : RANJIT MORE &
PRAKASH D. NAIK, J J.**

DATE : 29th JANUARY, 2018.

P. C. :

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Mr. Limaye, learned counsel for the respondent No.1, at the outset, makes a statement that the order dated 17th August, 2006, passed in writ petition No.6937 of 1999 is already complied with inasmuch the compound wall, in question, has been demolished. The statement is not disputed by the learned counsel for the petitioner. However, he makes a grievance that the respondent No.1 took 12 long years to comply the said order. The fact remains that, the order, in respect of which the breach was alleged is complied with, though belatedly.

3. The respondent No.1 has filed an affidavit dated 4th January, 2016. In paragraph 4 thereof, the respondent No.1 has tendered an unconditional apology.

4. In the above facts and circumstances of the case, we accept the said apology and do not proceed further. However, we hope and trust that the respondent No.4 would not commit such lapses in future.

5. In the light of above, the contempt petition is dismissed.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]