

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 112 OF 2017

Shri Mithailal R. Gupta
(since deceased through L.Rs.) .. Petitioners

vs.
Shri. Radheshyam R. Dhobi
(since deceased through L.Rs.) .. Respondents

Mr.Pritish Oak a/w. Mr. Jitendra H. Oak for the Petitioners

CORAM : M. S. SONAK, J.
DATE : 5 DECEMBER 2018.

P.C. :-

1] Technically, there may be a breach of undertaking because, the undertaking furnished by the respondents had stated that the respondents will keep paying the rent regularly until premises were handed over to the petitioners on 1st January 2018. The learned counsel for the petitioners admits that the possession of the suit premises has been handed over by the respondents to the petitioners on 1st January 2018. Thus, substantial portion of the undertaking stands complied with.

2] If at all there are any arrears of rent, then, it will be open to the petitioners to recover them by usual process. However, it is not necessary to initiate any contempt proceedings for this purpose.

3] Contempt Petition is therefore, dismissed. However, the petitioners will always have liberty to recover arrears of rent, if any, by usual process, i.e., execution, if at all, there any order for payment of such amount.

(M. S. SONAK, J.)