

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.20/2018
IN
FIRST APPEAL NO.1072/2013

Nilesh Hanswani ... Petitioner

V/s.

Devram P. Sathe ... Respondent

Mr. Jai Karande i/b. Sumit S. Kothari for the Petitioner
Mr. R. V. Govilkar i/b. Govilkar & Associates for the Respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : MARCH 7, 2018

P.C. :

1 Heard the learned counsel for the parties. By this Contempt Petition, the Petitioner alleges that the though this court, by minutes of order dated 05.12.2013 in Civil Application No.3069/2013 in First Appeal No.1072/2013 restrained the Respondent – original Defendant No.6 from creating any third party right, title and interest in respect of Plot No.3 admeasuring 2016.07 sq.mtr and the FSI of 806.42 sq.mtrs. at Nasik, created third party right, title and interest by executing agreement for sale dated 10.02.2017 and 13.02.2017 (Exhibit-J page 49 and Exhibit-K page 69 of the petition).

2 After arguing for some time, the learned counsel for the Respondent agreed that the Respondent contemnor undertakes to

cancel both these agreements for sale and filed an undertaking to that effect.

3 The learned counsel for the Respondent has filed affidavit dated 28.02.2018 duly affirmed by the Respondent Deoram Parvatrao Sathe annexing the cancellation deed in respect of the earlier agreement for sale. Thereafter he has also filed affidavit of purchaser Shri Shivaji Sakharam Mate dated 05.03.2018 and affidavit of Shri Balashaeb Bajirao Mahale, Varsha Balasaheb Mahale through Power of Attorney holder Vijay Bajirao Mahale dated 05.03.2018 stating that they have received refund of entire amount and they do not have any right, title and interest in the area of plot No.3. Those documents are taken on record and marked "X" for identification.

4 As the Respondent has purged the contempt and in view of the subsequent development, we are of the opinion that nothing survives in the Contempt Petition. Hence, the Contempt Petition stands dismissed. No order as to costs.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)