

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CONTEMPT PETITION 110 OF 2013

(Smt. Shilpa w/o. Rajeev Kapoor..vs.. Sayyed Ayaz Ali s/o. Makdum Ali)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Shyam Dewani, counsel for petitioner.

CORAM: ROHIT B. DEO, J.

DATE: 21st December, 2018.

The affidavit of the contemnor is taken on record.

2 In paragraph 3 of the affidavit, the contemnor has undertaken to pay the balance amount of Rs. 52,50,000/- in equal monthly installments of Rs.2 lac.

3 The contemnor is present in Court and on his instructions, the learned counsel Shri Dhoble states that duly signed cheques for covering the monthly installments shall be handed over to the petitioner. It is further undertaken by the contemnor that every cheque shall be duly honoured and the balance amount of Rs. 52,50,000/- shall be repaid as undertaken in paragraph 3 of the affidavit. 26 cheques have been handed over by the learned counsel Shri Dhoble to the learned counsel for the petitioner in Court. Shri Dhoble assures the Court that the contemnor is aware that even if a single cheque is

dishonoured, he shall be guilty of aggravated contempt.

4 In view of the undertaking and the acceptance of the proposal by the petitioner, this Contempt Petition is disposed of.

5 It appears that prosecution under section 138 of the Negotiable Instruments Act, 1881 are pending since the cheques issued earlier by the contemnor to the petitioner were dishonoured. It is needless to say that if the contemnor pays the entire amount and the cheques handed over to the petitioner today in Court are honoured, the prosecutions which are instituted in relation to the same liability shall be withdrawn by the petitioner.

JUDGE

RSB