

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Contempt Petition No. 385/2015
in
APPEAL AGAINST ORDER NO.57/2012
(Smt.Parwatibai Jalakraoji Kedar and another vs. Mohit Premchandji
Gupta)

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

Court's or Judge's order

Mr. P.A. Markandeywar, Adv. for petitioner
 Mr. S.R.Deshpande, Adv. for respondent

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 6th August, 2018.

The Contempt Petition was filed by the petitioner (original plaintiffs) against the respondent/contemnor. Notice was issued by this Court against the contemnor/respondent-Shri Mohit Premchandji Gupta. Pursuant to the said notice, the respondent-contemnor has appeared before the court. Today also, he is present and filed his reply.

This Court vide order dated 28th July, 2017 passed the following order :

“.....At this stage, learned counsel for the respondent states that the respondent is ready to remove the entire construction and restore the original status of the property. Learned counsel for the petitioner submits that if the original status of the property as of 11th December, 2012 is restored,

the petitioner would have no objection. He also submits that the Commissioner to supervise the entire operation would have to be appointed.

In view of the above, it is observed that the respondent may remove the construction made and restore the original status of the property.

Shri Mahajan, Advocate by his consent and also the consent of both the sides is appointed as a Commissioner for supervising the operation relating to removal of construction existing on the subject property and restoring to its original status as on 11th December, 2012.

The restoration of the subject property be made within four weeks.

Learned Commissioner to submit his report within two weeks thereafter.

The respondent shall pay Rs. 15000/- to the learned Commissioner as his fees in the matter, before submission of his report.”

Despite the above-quoted order, the suit property remained to be restored to its original status. Now, the respondent has filed an affidavit stating that he would demolish the disputed suit structure by 5th November, 2018.

The learned Advocate for the respondent has submitted that the suit structure is photographed, which is annexed at Annexure 4 marked in red ink, to the report filed by the Court

Commissioner ,Shri R.D. Murkute, dated 13th June,2018.

In view of the affidavit filed by the respondent thereby tendering an unconditional apology to this Court and also making a statement that he would demolish the suit structure by 5th November, 2018, no further action is required to be taken against him.

The respondent/contemnor is directed to deposit an amount of Rs. 15,000/-towards the fees of the Court Commissioner, within a period of two weeks from today. Upon deposit, the Court Commissioner is at liberty to withdraw the said fees.

The proceedings dropped. Contempt Petition stands disposed of.

JUDGE

sahare