

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

9 CONT. PETITION NO.566 OF 2018
IN SA/754/2017

BALIRAM LIMBAJI MULEY
VERSUS
ASHA RAJENDRA MORE

...

Advocate for Petitioner : Mr. Khandelwal Rajesh K.

Advocate for Respondent : Ms. A.S.Jadhav.

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CORAM : M.S.KARNIK, J.

Dated: August 19, 2019

PER COURT :-

Heard the learned counsel for the petitioner and the learned counsel assisting this Court, on behalf of the Contemnor.

2. By order dated 16.8.2019, this Court had recorded statement of the Contemnor that she would hand over the possession of the suit premises to the petitioner, at 11.00 a.m. on 17.8.2019. The learned counsel for the petitioner on instructions, in the Court today submits that the Contemnor has handed over the possession of the suit premises to the petitioner. The Contemnor is personally present in the Court.

3. The Contemnor, through her Advocate Ms. A.S. Jadhav, has tendered her un-conditional apology to this Court for committing the breach of undertaking.

She would submit that she is an illiterate lady and there was some mis-communication on behalf of the earlier Advocate in informing to her. There was some communication gap in her understanding of the undertaking that was given to this Court. She would further submit that the breach was not intentional but, occurred due to some in-advertance. She has expressed remorse for what has happened. Considering her conduct in the Court on 16.8.2019 and today, and further that she has abided by the order passed by this Court on 16.8.2019, the un-conditional apology tendered by the Contemnor deserves to be accepted in the interest of justice.

4. The Contempt proceedings are therefore dropped. The Contemnor is discharged of the Contempt Notice. The Contempt Petition stands disposed of.

5. I place on record my appreciation for the valuable assistance rendered by learned Counsel Ms. A.S.Jadhav, who appeared on behalf of the Contemnor, at my request.

(M.S.KARNIK)
JUDGE

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