

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1187 OF 2014

Rene Singh and Ors. ... Petitioners
V/s.
M/s. Katha Mediatix India Ltd. ... Respondent

Ms. S. Suryawanshi I/b. Mr. Abhijeet Rane, for the Petitioners

CORAM: K.K. TATED, J.

DATED : JANUARY 11, 2019

P.C. :

1. Heard learned counsel for the Petitioners.
2. By this Petition under Article 227 of the Constitution of India, the Petitioners are challenging order dated 21st February, 2012 passed by the learned Court, City Civil Court in Execution Application No. 418 of 2012 rejecting the Petitioners' application to take action against the Respondent under the Contempt of Courts Act. The learned counsel for the Petitioners submit that in the present proceeding, the Respondent had given an undertaking before the Court that they will clear the remaining amount of Rs. 23 lacs (approx.) on or before 13th April, 2012. As they failed and neglected to do so, they preferred application before the trial Court for taking action against the Respondent under Contempt of Courts Act.
3. The learned counsel for the Petitioners submit that if undertaking is given and the same is not honoured by the

parties, then the Contempt Petition can be filed against those persons who violate the undertaking. Therefore present Petition

4. It is to be noted that this Court on 14th November, 2017 already directed the executing Court to decide all the application if any, pending in Executing Proceeding as early as possible.

5. It is to be noted that when the Petitioners have already filed execution application for recovery of remaining amount from the Respondent, there is no question of taking any action against them under the Contempt of Courts Act. Hence, present Writ Petition can be disposed of with direction to the Executing Court to decide the Execution Application along with all the proceeding as early as possible as per the earlier order dated 14th November, 2017 passed by this Court (Smt. S.S. Jadhav, J.).

6. Hence following order:

(a) Executing Court is directed to decide the Execution Application with all pending Applications as per earlier order dated 14th November, 2017 passed by this Court (Smt. S.S. Jadhav, J.)

(b) Writ Petition is disposed of, accordingly.

(c) No order as to the costs.

(K. K. TATED, J.)