

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 15 OF 2019
IN
CONTEMPT PETITION NO. 425 OF 2017

Shweta Gautam Phodkar

..... Petitioner

VERSUS

**Additional Collector (Enc/Rem) &
Appellate Authority & Ors.**

..... Respondents

Ms.T.S.Bharadi for the Applicant/Petitioner.

Mr.S.H.Kankal, A.G.P. for the Respondent nos. 1 and 2.

Mr.A.N.Sashittal for the Respondent no.3.

CORAM : S.S. SHINDE, J.

DATE : 8th APRIL, 2019

P.C.

Heard. Learned counsel appearing for the applicant invited attention of this court to the averments in the application and submits that the application may be allowed.

2. Learned counsel appearing for the respondent no.3 vehemently opposed the prayers in the petition. He submits that as a matter of fact, the advocate for the applicant i.e. the petitioner was present in the court premises. Nothing prevented the advocate from appearing in the petition. Therefore he submits that the application may be rejected.

3. It appears from the perusal of the order passed by this court

(Coram : R.D.Dhanuka, J.) on 3rd May, 2018 that this court by a reasoned order was pleased to issue notices to the respondents.

3. It is true that when the contempt petition was called out, the advocate for the petitioner was not present. However, the explanation given in the application is sufficient and acceptable. In that view of the matter, civil application is allowed.

4. Contempt Petition No. 425 of 2017 is restored to its original file.

5. Civil application stands disposed of accordingly.

6. List contempt petition on board on 18th April, 2019.

[S.S.SHINDE, J.]