

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CIVIL APPELLATE JURISDICTION

## CIVIL APPLICATION (ST.) NO.10650 OF 2017

IN

## CONTEMPT PETITION NO.235 OF 2011

(Behram Jamshed Mistry and others Vs. John Crasto and others)

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| <b>Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders</b> | <b>Court's or Judge's orders</b> |
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Mr. Behram Jamshed Mistry, Applicant in person.

**CORAM : R. G. KETKAR, J.****DATE : 21<sup>ST</sup> JUNE, 2019****P.C.:**

Heard Mr. Behram Jamshed Mistry, applicant in person.

2. By this Application, applicant has prayed for recalling the order dated 26.07.2011 passed by this Court (Coram : J. H. Bhatia, J.) in Contempt Petition No.235 of 2011 after condoning the delay of 28 days among other prayers.

3. With the assistance of Mr. Mistry, I have perused the order dated 26.07.2011 passed by this Court. A perusal of that order shows that on merits, this Court dismissed the Petition after recording a finding that there is nothing to show that the status-quo order was in operation on

30.03.2007. It, therefore, cannot be said that contempt of Court was committed.

4. Mr. Mistry submits that after dismissing the Contempt Petition, respondents have committed fresh contempt. He, therefore, seeks permission to withdraw this Application with liberty to file Contempt Petition.

5. In view thereof, on the motion made by Mr. Mistry, Application is allowed to be withdrawn with liberty as prayed for. It is made clear that grant of liberty shall not be construed as an expression of merits either way. All contentions of the parties on merits are expressly kept open. Order accordingly. Civil Application is disposed of.

**(R. G. KETKAR, J.)**

*Minal Parab*