

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO.383 OF 2009
IN
APPEAL FROM ORDER NO. 849 OF 2008**

Mr. Reggie Peter Dias & Anr. ..Appellants

v/s.

Mr. Ralph Miranda & Anr. ..Respondents

Mr. Siddesh Pilankar I/b. Uday Warunjikar for the Petitioner.

Mr. Reyden Gonsalves I/b. Mrs. Eventa Gonsalves for the Respondent No.1.

Mr. Ram Apte, Sr. Advocate a/w. Mr. Santosh Parad for the Respondent No.2 MCGM.

Mr. Sachin Kankal AGP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 08th MARCH, 2019.**

P.C.

1. The petitioner herein had filed this Contempt Petition alleging breach of Order dated 24th September, 2008 in Civil Application No. 1020 of 2008 in Appeal No. 849 of 2009.
2. The said appeal arises from Order passed in L.C. Suit No.1303 of 2008. The parties to the suit had entered into consent terms and in compliance with the terms, the petitioner who was the plaintiff in

the suit has already withdrawn the suit.

3. As per the consent terms, the plaintiff/petitioner had also agreed to withdraw the contempt petition and the respondent no.1 had agreed to withdraw the complaint/allegations made against the petitioner before BMC. The petitioner has not withdrawn the contempt petition for the reasons that the respondent no.1 has not withdrawn the complaint/allegations made by him with BMC.

4. Mr.Gonsalves, the learned Counsel for the respondent no.1 states that he has already intimated to the BMC vide letter dated 8.5.2012 that the matter is settled and they have filed their consent terms and called upon the BMC to act accordingly.

5. He submits that the Respondent No.1 will file another application before the BMC within two weeks, withdrawing all the complaints and allegations made against the petitioner. Statement is accepted.

6. In the light of the said statement and in view of clause (6) of the consent terms filed in L.C.Suit No. 1303 of 2008, the learned Counsel for the petitioner seeks leave to withdraw the contempt petition. Leave granted.

7. Contempt petition is disposed of as withdrawn.
8. Civil application stands disposed of in view of disposal of the contempt petition.

(ANUJA PRABHUDESSAI, J.)