

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.326 OF 2017**

Haji Ismail Haji Habib Charity Trust	.. Petitioner
Versus	
Municipal Corporation Gr. Mumbai	.. Respondent

Mr. Anirban Tripathy for petitioner.

Mr. Santosh Parad for respondent.

CORAM : K.K. TATED, J.

DATE : 10 JANUARY 2019.

P.C:-

. Heard learned Counsel for the parties.

2. By this Contempt petition, petitioner alleged that the respondent corporation failed and neglected to comply with the order dated 04.02.2016 and corrected order dated 13.06.2016 passed by Ad-hoc Assistant Judge, City Civil and Sessions Court, Greater Mumbai in Notice of Motion No.1066 of 2015 in L.C. Suit No.703 of 2015. He submits that by these two orders, trial Court directed respondent corporation to decide their representation dated 10.02.2016 within four weeks.

3. The learned Counsel for the respondent after taking instructions from the concerned officer who is present in Court makes a statement that after hearing both sides they will decide petitioner's application within four weeks from today. To that

effect he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted. Same reads thus :

“Representation of the petitioner dated 10.02.2016 will be decided within 4 weeks from today i.e. 10.01.2019 and hearing will be giving to the petitioner within 4 weeks from today. Advance intimation will be given to the petitioner for hearing. Sub-Engineer Mr. Kiran Dhas from “B” ward is present and upon his instruction, above statement is made.”

4. In view of these facts, nothing survives in the present Contempt Petition. Hence, Contempt Petition stands rejected. No order as to costs.

(K.K.TATED, J.)