

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CONTEMPT PETITION NO.29 OF 2017
IN
WRIT PETITION NO.709 OF 2014**

Smt. Sujana Narayan Naidu

.... Petitioner

versus

Anjali Bhosale & Anr.

.... Respondents

.....

- Mr.Suresh S. Lanke, Advocate for Petitioner.
- Mr.Milind More, AGP for Respondent.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : 09th DECEMBER, 2019.**

P.C. :

1. Heard learned Counsel for the parties.
2. By this Contempt Petition, the Petitioner is seeking to take action against the Respondents as they failed and neglected to comply with the order dated 16/04/2016 passed by this Court in Writ Petition No.709/14.
3. During the course of the argument learned AGP

Mr.Milind More for Respondent submits that they have already complied with the order dated 16/04/2016 by passing order dated 20/01/2017 (Ex.4 at page 209). He submits that in view of subsequent development nothing survives in the present proceeding. He further submit that the said order is appealable. Hence present Contempt Petition is required to be dismissed with costs.

4. At this stage, learned Counsel Mr.Suresh Lanke appearing on behalf of Petitioner submits that, they have filed the present Contempt Petition before this Court on 30/01/2017 i.e. within 10 days from the receipt of the impugned order. He submitted that the Petitioner may be permitted to withdraw the present Contempt Petition with liberty to file appropriate proceedings before the authority. He submitted that the authority may be directed to decide their application for condonation of delay if any, considering the fact that the present Contempt Petition is filed within 10 days from the impugned order. Hence following order is passed:

- (a) Contempt Petition stands dismissed as withdrawn with liberty as prayed.
- (b) Competent Authority is directed to consider the Petitioner's application for condonation of delay, if any, sympathetically on the ground that though order was passed on 20/01/2017, the Petitioner had immediately filed the Contempt Petition on 30/01/2017 i.e. within 10 days.
- (c) No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)