

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****CONTEMPT PETITION NO. 165 OF 2019**

IN

WRIT PETITION NO. 1110 OF 2018 (D)

Umakant Purushottam Joshi and others

vs.

Madhusudan Achyutrao Pasarkar and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. A. R. Deshpande and Shri. A. M. Ghare counsel for petitioners
Shri. M. G. Sarda, counsel for respondents No. 1, 2, 3 and 5.
Shri . C. A. Joshi, counsel fro respondent No.4.

CORAM : MANISH PITALE J**DATED : 17/12/2019**

In this contempt petition affidavit dated 05/12/2019 was filed on behalf of respondents No.1, 2, 3 and 5, although the title of the affidavit inadvertently stated that it was an additional affidavit on behalf of respondents No.1 to 5.

2. A statement is made by the learned counsel appearing for the said respondents No.1, 2, 3 & 5 that the date mentioned in paragraph 3 of the said affidavit should be 25/04/2017 and not 25/04/2018, which is a typographical error. The said statement is accepted and the date 25/04/2017 is read in paragraph 3 of the affidavit.

3. The learned counsel appearing on behalf of respondent No.4 has today handed over an affidavit. It is taken on record and marked as 'X'. It is stated in the said

affidavit-cum-pursis that the said respondent No.4 will not claim to be the trustee in the trust in question and that he will withdraw change report proceedings. The learned counsel for respondent No.4 has instructed him to make statement that he shall also not claim to be a founder Member of the trust.

4. The additional affidavit filed on behalf of the respondents No.1, 2, 3 & 5 and the affidavit filed on behalf of respondent No. 4 show that the respondents have now shown their intention to comply with the judgment and order of this Court. They have also tendered unconditional apology before this Court for having contested the contempt petition in the first place.

5. The apology given by the said respondents is taken on record and in view of additional affidavits filed on behalf of respondents No.1, 2, 3 & 5 as also the respondent No.4, the present contempt proceedings are dropped. The learned counsel appearing for respondents No.1 to 5 submit that in terms of the affidavits, they undertake to withdraw the change report proceedings filed by them before the learned Assistant Charity Commissioner, Akola, being Inquiry Case No.164/2019, within a period of 10 days from today.

6. Hence, contempt proceedings are dropped. Contempt petition is disposed of accordingly. No order as to costs.

JUDGE