

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

**CONTEMPT PETITION NO.167 OF 2021
IN
WRIT PETITION (St.) NO.20902 OF 2019**

Rashmi Praful Waghela & Ors.

...Petitioners

vs.

Mr.Sarvesh Kumar & Ors.

...Respondents

...

Mr.Mandar Limaye for Petitioners.

Mr.O.A. Das for Respondents.

...

**CORAM : DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE : AUGUST 11, 2021

PC :

1. This is a petition alleging contempt of the order of a co-ordinate bench of this Court dated March 30, 2021 while disposing of Writ Petition (St.) No.20902 of 2019. The said order was passed on the basis of and in terms of the minutes of order dated March 30, 2021 signed by the parties.

2. Mr.Limaye, learned advocate for the petitioners submits that contempt has been committed by the contemnor/respondent by not adhering to paragraph 8 of the minutes, reading as follows:-

"8. The Respondent No.1 bank in pursuance of the amount offered and paid for release of tfor release of the said property from mortgage will handover the title deeds of the said property to the

Petitioners in view of payment of Rs.1,25,00,000/- as aforesaid on or before 31/3/2021 and the said property would stand released from the mortgage dtd. 21/10/2011 and the mortgage stands redeemed and satisfied accordingly.”

3. At the hearing, although Mr.Limaye concedes that the title deeds have been handed over to the petitioners, he submits that no document to the effect that the subject property stands released from mortgage has been issued by the contemnor/respondent.

4. Although we are of the view that no such document was required to be issued since the title deeds have been made over to the petitioners, Mr.Das, learned advocate appearing for the contemnor/respondent has very fairly stated that a communication to that effect shall be issued by the contemnor/respondent within two weeks from today.

5. We accept the statement of Mr.Das and dispose of the contempt petition holding that there has been no contempt committed by the contemnor/respondent. No costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)