

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**91 CONTEMPT PETITION NO.746 OF 2022
IN CRA/98/2022**

**USMAN KHAN RASHID KHAN PATHAN
VERSUS
VISHAL PLOT VIKRI KENDRA PARTNERSHIP FIRM THR ITS
PARTNER VISHAL CHANDRAKANT KELE**

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Mr. P.P. Mandlik, Advocate for the petitioner.
Ms. P.S. Gondhalekar, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 13.03.2023.

ORDER:-

1. Heard rival submissions. It appears that the petitioner is seeking necessary actions against the respondent contemner in respect of breach of order dated 04.08.2022 passed in CRA No. 98/2022. However, the learned Counsel for the respondent has brought to the notice of this Court that vide order dated 13.02.2023, this Court (Coram : Gauri Godse, J.) had already set aside the order dated 04.08.2022. Though the learned Counsel for the petitioner had sought time to take instructions in respect of the said order, but today he pointed out that he has made certain communication for clubbing this petition alongwith CRA No. 98/2022 which is under consideration.

2. He further pointed out that the Court had already come to conclusion that the respondent contemner had made false statement, and therefore, the order dated 04.08.2022 was passed and thereafter submitted that the respondent for making such false statement is still liable for contempt, even though the order is set aside.

3. Apart from such submission, it appears that since the order in respect of which this contempt petition is filed, is no more in existence, now there is no substance in this petition. As such, the petition stands dismissed. The petitioner is at liberty to proceed against the respondent as permissible in law.

(SANDIPKUMAR C. MORE, J.)