

Arjun

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

CONTEMPT PETITION NO.146 OF 2016

Mr. Shravan L. Joshi ...Petitioner
Through Power of Attorney Holder
youngest son of Plaintiff, Dwaresh S. Joshi

V/s.

Shri. Mahendra L. Joshi & Ors. ...Respondents

Mr. Jamsheed Master i/b Ashok M. Saraogi, for the
Petitioner.

Ms. Mansi Kaku i/b Dhaval Vussonji & Associates, for
Respondent No.2.

Mr. S. D. Rayrikar, AGP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : OCTOBER 04, 2023**

P.C.:

1. Heard Mr. Jamsheed Master, learned counsel appearing for the Petitioner and Ms. Mansi Kaku, learned counsel appearing for Respondent No.2.

2. The Contempt Petition has been filed as it is the contention of the Petitioner that the order dated 26th August 2003 passed in Notice of Motion No.478 of 2003 in Pauper Petition No.1 of 2003 has been breached. By the said order dated 26th August 2003, prayer clause (b) of the Notice of Motion was granted except the

bracketed portion. The said prayer clause (b) reads as under :

“(b) That pending the hearing and final disposal of the petition, the respondents, their servants and family members be restrained by an order and injunction of this Hon’ble Court from [dealing with or] disposing of or inducting any one else or transferring the rent bills or putting up any construction or allowing any one else to put up any construction on the suit properties.”

3. It is the contention of both the learned counsel that thereafter, the dispute between the parties has been settled out of the Court and, therefore, the said suit itself, has been withdrawn.

4. In view of above development, learned counsel appearing for the Petitioner states that he has instructions not to press the Contempt Petition as the order of which breach is committed has been complied with.

5. Accordingly, the Contempt Petition is dismissed with no order as to costs.

[MADHAV J. JAMDAR, J.]