



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CONT. PETITION NO. 120 OF 2024

SHAHIN BEGUM SHAIKH DILAWAR THROUG L. RS. AND
OTHER
VERSUS
SYED SIDDIQ HUSSAIN S/O. SYED SADIQ HUSSAIN AND
ANOTHER

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Advocate for Petitioners : Mr. Shaikh Tarek Mobin H.
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CORAM : S. G. MEHARE, J.
DATE : 30.01.2024

PER COURT :-

1. Heard the learned counsel for the petitioners.
2. This contempt petition is preferred against the violation of the undertaking dated 01.11.2023, furnished by respondent No.1, before the learned District Judge, Aurangabad in MCA.No.148 of 2023. The learned counsel for the petitioners submits that for the violation of the said undertaking, this Court should take cognizance under the Contempt of Courts Act. He relied on the case of *Balwantbhai Somabhai Bhandari Vs. Hiralal Somabhai Contractor (Deceased) by L.Rs. and others ; 2023 SCC OnLine SC 1139*. In the said case, the learned counsel appearing for the contemnors before the High Court had made a statement in the form of an undertaking and

that too upon instructions of the client that the subject matter i.e. the property would not be sold. Herein the case, the undertaking was furnished before the District Judge while hearing the Miscellaneous Civil Appeal. In view of the facts of the case, this Court is of the opinion that the statutory remedy against the violation of undertaking before the learned District Judge is available to the petitioners. Hence, such petition could not be entertained.

3. For the above reasons, the contempt petition stands dismissed as not tenable.

(S. G. MEHARE, J.)

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vmk/-