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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 116 OF 2017
IN
WRIT PETITION NO. 10053 OF 2009

Shri Vijay Uttam Balwadkar ... Petitioner
Vs.
Shri Umesh Manohar Korade and Another ... Respondents

WITH
INTERIM APPLICATION NO. 6528 OF 2024
IN
CONTEMPT PETITION NO. 116 OF 2017

S. S. Properties ... Intervener
In the matter between
Shri Vijay Uttam Balwadkar ... Petitioner
Vs.
Shri Umesh Manohar Korade and Another ... Respondents

Mr. Suresh M. Sabrad a/w. Mr. Dhanraj Chavan, Mr. Amey Sawant and
Mr. Pratik Sabrad for the Applicant (Intevenor in Contempt Petition).
Mr. Sandeep Waghmare for Respondent No.1.
Mr. Rohit Pawaskar for Respondent No.2.

CORAM : GAURI GODSE, J.

DATE : 13th MARCH 2024

P.C.

1. Learned counsel for the petitioner on instructions submits that since the objection was only with respect to measurement, the petitioner does not intend to proceed with the Contempt Petition.

2. I have verified the order of which contempt is alleged. Contempt is alleged of an ad-interim order passed in Writ Petition No. 10053 of 2009 dated 13th February 2012 and order dated 24th June 2014. By order dated 13th February 2012 there was ad-interim relief granted in terms of prayer clause (b) which reads as under :

“(b) That pending hearing and final disposal of the present writ petition, the execution, implementation and/or operation of the impugned order dated 25/8/2009, the Respondent No. 30, passed by the Ld. Minister for Revenue, Maharashtra State in Revision Application No. Cons. 3403/1821/C.R. 227/L-1, be stayed.”

3. The order dated 13th February 2012 further directed that there will be status quo in respect of the revenue record of Survey No. 43 in respect of disputed parts of Survey No. 43. By order dated 24th June

2014 the ad-interim relief granted by order dated 13th February 2012 is confirmed.

4. Learned counsel for the petitioner on instructions states that the allegation in the contempt petition is regarding carrying out measurement and further constructions in the disputed area. He therefore submits that the petitioner does not intend to pursue the contempt petition. He therefore seeks leave to withdraw the contempt petition. Perusal of the contempt petition does not reveal any breach of the aforesaid orders.

5. In view of the aforesaid, I do not find that there is any contempt of orders passed by this court. Contempt Petition is devoid of any merits. Hence, contempt petition is dismissed.

6. In view of the disposal of the Contempt Petition, nothing survives in the interim application. Interim Application is disposed of as infructuous.

[GAURI GODSE, J.]