
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.434 OF 2024
IN
WRIT PETITION NO. 11349 OF 2023

Subhash M. Yeole & Anr

.. Petitioners

Versus

Prashant S. Yeole & Ors

.. Respondents

Mr. Rutvij Solanki, with Ms. Megha Kuluskar, Shashank Shubham, Aniket Bomble, Advocates for the Petitioners.

Mr.S. D. Vyas, Addl.G.P., with Savina R. Crasto, AGP, for the State.

Mr.Ashok Sarogi with Govind Munde, Advocates for Respondent Nos.1 and 2.

Mr.Subhash Yeole, Petitioner No.1 is present.

Mrs. Pushpa Yeole, Petitioner No.2 are present in Court.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: DECEMBER 18, 2024

P. C.

1. The above Contempt Petition is filed alleging contempt of the order dated 22nd January 2024 passed by this Court in Writ Petition No.11349 of 2023. By the said order, Respondent Nos.1 and 2 in the said Writ Petition, and who are also Respondent Nos.1 and 2 in the present Contempt Petition, were directed to hand over possession of Flat No.201-2B, Plot No.50,

Seawood Heritage CHS, Sector-4, Kharghar, Navi Mumbai-410210 (“***the said flat***”) to the Petitioners within a period of 10 days from the date of the copy of the said order was served upon them. It was further directed that in the event Respondent Nos.1 and 2 do not hand over possession of the said flat to the Petitioners, the order of the Senior Citizens Tribunal would be implemented in letter and spirit in the manner as directed by the Senior Citizens Tribunal in paragraph 6 of the order. In the Contempt Petition, it is the case of the Petitioners that despite this order, and all efforts taken by the Petitioners, the same has not yet been complied with, and the Petitioners being senior citizens are deprived of the fruits of the order dated 22nd January 2024 as well as the order passed by the Senior Citizens Tribunal dated 6th June 2022.

2. When the matter had come up on 13th November 2024, *prima facie* we found considerable force in the arguments canvassed by the learned counsel for the Petitioners. However, before we proceeded to issue any show cause notice to the Respondents, we were of the opinion that we would like to hear their side of the story. In these circumstances, we had directed the Registry to issue notice to the Respondents, returnable on 11th December 2024.

3. Today when the matter is called out, Mr.Sarogi appears on behalf of Respondent Nos.1 and 2 and the learned AGP appears on behalf of Respondent Nos.3 and 4.

4. The learned AGP appearing on behalf of Respondent Nos.3 and 4 has stated that the possession of the said flat has already been taken and handed over to the Petitioners. In other words, the order dated 22nd January 2024 passed by another Division Bench of this Court has been complied with. The learned counsel appearing on behalf of the Petitioners also confirmed the said fact and stated that he has instructions not to press the above Contempt Petition since the order dated 22nd January 2024 is now complied with. He, therefore, sought leave to withdraw the above Contempt Petition.

5. In these circumstances, the above Contempt Petition is dismissed as withdrawn. No order as to costs.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]