

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 10 OF 2025
IN
WRIT PETITION NO. 4871 OF 2024

The Kunbi Sahakari Bank Ltd Mumbai ...Petitioner
Versus
Hiralal Seshmalji Gurlia ...Respondent

Mr Subhash Bane, i/b Neha Bane, for the Petitioner.
Mr Dheeraj Dubey, for Respondents Nos. 1 and 2.
Ms Varsha Sawant, AGP, for Respondent No. 3-State.

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**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**
DATED: 8TH SEPTEMBER 2025.

PC:-

1. The present Contempt Petition has been filed alleging breach of an undertaking recorded in order dated 25th October 2024 (Coram: AS Chandurkar and Rajesh Patil, JJ). According to Mr Bane, the original Writ Petitioner was required to deposit specific amount of money, as per the schedule mentioned in the Affidavit filed by the Writ Petitioner, which was also treated as an undertaking by the said Writ Petitioner to the Court. However, the original Writ Petitioner has failed to adhere to the schedule and

deposit the amount, as a result of which, this is a clear case of breach of the undertaking given to the Court. According to the Petitioner, such breach of undertaking given to the Court, amounts to contempt of this Court.

2. Upon hearing the submissions of the learned counsel for the parties, we find that the consequences of breach of the undertaking given by the original Writ Petitioner, has been clearly spelt out in the para 7 of the Affidavit. Moreover, after the breach was allegedly committed by the original Writ Petitioner, the Contempt Petitioner has also admittedly invoked para 7 of the Affidavit and put the property to auction sale. It also appears that having failed to get any buyer for the property, this proceeding for the contempt of Court against the petitioner is being pressed.

3. Although it is submitted that the proclamation for sale was issued subsequent to the filing of this Contempt Petition, yet, we are of the view that once remedy for breach of undertaking, as per para 7 of the Affidavit, has been availed by the Petitioner, the question of proceedings against the original Writ Petitioner for contempt of Court would not arise.

4. We are also of the view that this is not a case of wilful disobedience of the order(s) or undertaking made before the Court. We, therefore, close the present Contempt Petition.

5. The Petitioner would, however, be at liberty to avail appropriate legal remedy in the matter, as may be permissible under the law.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)