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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Contempt Petition No. 106 of 2009
in
Contempt Petition No.79 of 2009
in
Contempt Petition No.57 of 2008
in
Writ Petition No.2443 of 2006

Mrs.Prabhavanti MuljiShah
& Others

.. Petitioners

v/s.

M/s. Sumer Builders Pvt. Ltd.
& Another

..Respondents

Mr.Niranjan Lapsiya & Kishore Jain i/b. M/s. Niranjan & Co. for the
Petitioner
Mr.Vaibhav Sugdhare i/b. Yasmin Bhansali & Co. for the Respondent

**CORAM : R.Y.GANOO, J.
DATED : 22nd October , 2010**

P.C. :

1. Heard learned Counsel Mr. Lapsia for the petitioners. According to the petitioners affidavit in rejoinder dated 11.9.2009 is filed by the respondent no.2 on behalf of respondent no.1 in Contempt Petition No.79 of 2009. According to the present petitioners, the contents of

the said affidavit are patently false and have been made with an ulterior motive. It is on this ground this petition is been filed. The Contempt Petition No.79 of 2009 is pending and therefore there is no observation made whatsoever as regards statement made in affidavit in rejoinder dated 11.9.2009 as to whether they are false, to the knowledge of the deponent etc. Hence as of today it will not be proper for this court to take further steps in this contempt petition. If it is the stand of the present petitioner that the contents of the said affidavit are false, the petitioners will urge the learned Judge taking up contempt petition No.79 of 2009 to go into that , calling upon the learned Judge to record finding accordingly and thereafter if such a finding is recorded it will be open for the petitioners to urge the learned Judge to initiate contempt proceeding or file a separate contempt petition for contempt. In view of this, after hearing this expression of the Court, learned Counsel Mr.Lapsiya appearing on behalf of the petitioners applied for withdrawal of this petition with liberty to take appropriate steps after the disposal of the Contempt Petition No.79 of 2009.

2. In view of the above petition is allowed to be withdrawn. Liberty as

prayed for is granted. This court has not expressed any views as to whether the statement made in the affidavit dated 11.9.2010 filed in Contempt Petition No.79 of 2010 mentioned aforesaid are false or otherwise.

[R.Y.GANOO, J.]