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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CONTEMPT PETITION NO.83/2015
IN
WRIT PETITION NO.5321/2014
WITH
CIVIL APPLICATION NO.4337/2015**

Rajiv Rameshchandra Paithankar.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri M.P. Tripathi, Advocate for petitioner.
Shri S.K. Kadam, AGP for respondent nos.1 & 2.
Shri Rajendra L. Kute, Advocate for applicant in CA
4337/15.

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**CORAM: S. S. SHINDE &
P.R. BORA, JJ.**

DATE: 17.04.2015

ORDER :

1] Learned counsel for petitioner submits that the representation of the petitioner is decided, however, there is delay in deciding the representation.

2] Learned AGP submits that the affidavit in reply is ready but the order of which disobedience is alleged has

been complied with. The learned AGP submits that respondents have tendered unconditional apology.

3] The Supreme Court in case of **Supreme Court Bar Association v. Union of India [(1998) 4 SCC 409]**, observed, thus:

"The powers of the Supreme Court, under Article 129 read with Article 142 of the Constitution, being supplementary powers have "to be used in exercise of its jurisdiction" in the case under consideration by this Court. Moreover, a case of contempt of court is not *stricto sensu* a cause or a matter between the parties *inter se*. It is a matter between the court and the contemner. It is not, strictly speaking, tried as an adversarial litigation. The party, which brings the contumacious conduct of the contemner to the notice of the court, whether a private person or the subordinate court, is only an *informant* and does not have the status of a litigant in the contempt of Court case."

The fact remains that the representation of the petitioner has been decided by the respondents. It is true that the respondents have not adhered to the time limit given by the Division Bench.

4] The Supreme Court in case of **Suresh Chandra Poddar vs. Dhani Ram and others [(2002) 1 SCC 766]** has taken a view that even where the order of Court is complied with, subsequent to receipt of notice of contempt, Court should show judicial grace and magnanimity in dealing with action for contempt.

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5] In that view of the matter, the contempt petition is disposed of. In view of disposal of contempt petition, Civil Application No.4337/2015 also stands disposed of. No costs.

(P.R. BORA, J.)

(S.S. SHINDE, J.)