

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

LETTERS PATENT APPEAL st. NO.4609 OF 2012
in
CONTEMPT PETITION NO.184 OF 2011
with
CIVIL APPLICATION NO.3309 OF 2012.

...
BAPURAO KISAN GAIKAR AND ORS.
VS
DATTA KISAN GAIKAR AND ORS.

...
Mr.Prashant K. Deshmukh, Adv. For appellants;
Mrs. MA Deshpande, AGP for State;
Mr.SV Warad, Adv. For Resp.Nos. 1 and 2.

**CORAM : R.M.BORDE &
 P.R.BORA,JJ.**

DATE : 10th JULY, 2015.

PER COURT :

1) Heard. The appellants are objecting to order dated 10th January, 2012 passed by learned Single Judge in Contempt Petition No.184/2011. While disposing of the Contempt Petition, the learned Single Judge had directed the appellants to deposit the sale proceeds totalling Rs.1,00,000/- received by him on 24.1.2005 within two weeks in this Court. It is not a matter of dispute that there is a Second Appeal, bearing Second Appeal No.234/2002, pending between the parties.

2) Counsel appearing for the appellants contends that it was not within the competence of the learned Single Judge to issue such directions while disposing of the Contempt Petition. We are not impressed by the contention made by the appellants. It is pointed out that the Second Appeal is pending between the parties. The amount, as directed to be deposited in this Court, while disposing of the contempt petition, shall be considered as a deposit in pending Second Appeal No.234/2002. The appellants shall comply with the directions and deposit the amount in pending Second Appeal in compliance of the directions issued by this court in Contempt Petition No.184 of 2011, as expeditiously as possible, and preferably within a period of 12 weeks from today. It would also be open for the appellants to tender appropriate application in pending Second Appeal, seeking liberty to withdraw the aforesaid amount that would be deposited by them and the learned Single Judge dealing with the matter may, decide such application in accordance with the provisions of law and considering the facts and circumstances of the Second Appeal which is pending before the learned Single Judge.

3) In view of the above, the instant Letters Patent Appeal stands disposed of. Pending Civil Applications, if any, stand disposed of.

4) The order passed by this court on 3rd of July, 2015, imposing costs of Rs.1,000/- payable by the appellant stands re-called.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/