

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

CONTEMPT PETITION NO. 426 OF 2012

Krushnarao Damodhar Joshi (Died)
Through L.Rs. Kamalbai Krushnarao Joshi
and Others .. Petitioners

Versus

The State of Maharashtra and Others .. Respondents

Shri Sunil A. Kulkarni, Advocate for the Petitioners
Shri G. K. Thigle, A. G. P. for the Respondent State

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 07TH APRIL, 2015.

PER COURT :

1) Mr. Thigle the learned A. G. P. submits that, the amount of Rs.1,26,227/- (Rs. One Lac Twenty Six Thousand Two Hundred Twenty Seven) as per orders of this Court have been deposited.

2) Mr. Kulkarni submits that, there is inordinate delay in depositing the said amount, as such the petitioners are entitled for costs. The learned A. G. P. submits that, non deposit

of the amount earlier is not intentional and deliberate and is due to the administrative exigencies. The petitioner is not singled out.

3) We would have considered the request of the petitioners for costs, had the original petitioner been alive and before us. As now the legal representatives are before us and also considering the submissions of the learned A. G. P. that the delay is on account of administrative exigencies, we are not awarding costs.

4) As the amount is deposited though belatedly the contempt stands purged.

5) The petitioners / legal heirs of original petitioner are entitled to withdraw the amount deposited by the respondents in this Court in the present petition. Mr. Kulkarni the learned counsel states that, the petitioner 2/A has been given the authority to accept the amount. The power of attorney which is filed on record is to the extent of receiving the cheque. However, the same does not state that the amount is to be received by petitioner No. 2/A on behalf of other legal representatives. Mr. Kulkarni the learned counsel submits that, petitioner No. 2/A would file affidavit of all other petitioners.

6) In case the petitioner No. 2/A files affidavit of all other petitioners in the present contempt petition, then the Registry shall after verifying the same and satisfying itself about the genuineness of it, may give the cheque in the name of petitioner No. 2/A. Contempt Petition disposed of.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

sam/April. 15