

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CONT. PETITION NO. 448 OF 2014
IN WP/1955/2014

KASHINATH MOHAN SURYAWANSHI AND ANOTHER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Nasim R. Shaikh
AGP for Respondents/State: Mr.P.P. More.

...

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

Dated: MARCH 20, 2015

...

Heard.

2 This contempt petition alleges disobedience of the order passed by this Court on 18.6.2014 in Writ Petition No.1955 of 2014.

3 Learned A.G.P. Invites our attention to the affidavit-in-reply filed by the respondent No.2 and submits that the order of which disobedience is alleged in this petition, has been complied with. There is delay of about one month in deciding the representation, which is not intentional and for

that, respondents No.2 and 3 have tendered unconditional apology.

4 The learned Counsel for the petitioners submits that since the representation was not decided within time, some costs may be imposed upon the respondents. He submits that the petitioners are labourers and fighting for the cause. In support of his contention, learned Counsel for the petitioners placed reliance on the judgment of this Court in case of **Dinesh Waghmare, Secretary, State of Maharashtra, Social Welfare and Justice Department & anr. vs. Gulshan Bahu Uddeshiya Seva Bhavi Sanstha & anr.**¹

5 We have heard the learned Counsel for the petitioners and the learned AGP for the respondents No.2 and 3 and perused the reply filed by the State authorities. They have tendered unconditional apology for not deciding the representation in time.

6 The Supreme Court in case of **Suresh Chandra Poddar vs. Dhani Ram and others**² has taken a view that even where the order of court is complied with, subsequent to receipt of notice of

¹ 2014 (4) ALL MR 812 = 2014 (2) BOM.C.R. 588;

² 2002 1 SCC 766;

contempt, court should show judicial grace and magnanimity in dealing with action for contempt.

8 In that view of the matter, we accept the unconditional apology tendered by the respondents in the facts and circumstances of this case. Contempt petition stands disposed of.

(P.R. BORA,, J)

(S.S. SHINDE, J)

kadam/