

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CONTEMPT PETITION NO. 350 OF 2014

Savta Mali Shikshan Prasarak
Mandal, Zilha Peth, Jalgaon and
another

....Petitioners.

Versus

Jagannath Ambar Ahire

....Respondent.

Mr. S.P. Shah, Advocate for petitioners.

CORAM : T.V. NALAWADE, J.
DATED : 7th December, 2015.

ORDER :

1. The petition is filed for taking action against respondent for civil contempt, for disobedience and breach of the decree passed in Regular Civil Suit No. 36/2012. Heard the learned counsel for petitioners.

2. R.C.S. No. 36/2012 was filed by respondent - Jagannath Ahire against the present petitioners. Respondent was in the service of petitioners' one educational institution as the Head Master of one school. He was suspended by the institution. In the suit, he had prayed for declaration that suspension was illegal. In the said proceeding, both the sides filed pursis and submitted that they had settled the dispute out of Court. They

had even requested for giving decree on the basis of settlement. The respondent had agreed, not to stake claim over the post of Head Master and there is dispute about this agreement. No decree was made on the basis of these terms of settlement. On 9.4.2012, plaintiff - Ahire withdrew the suit by submitting that he had settled the dispute with the employer. The suit came to be disposed of on the basis of this pursis. Thus, no order was made on the basis of terms of compromise and no undertaking was given.

3. The employer, the educational institution has contended that even when the plaintiff had agreed, not to stake claim on the post of Head Master, he has given application to Education Officer for treating him as the Head Master and accordingly, Education Officer has made the order in his favour. It is contended that this conduct of present respondent amounts to contempt of Court.

4. In view of nature of contentions made above, this Court had directed the learned counsel for petitioners to satisfy this Court that the conduct amounts to contempt of Court. There was no order of Court and there was no undertaking given by respondent to the Court and the terms of settlement were as per

the agreement between the two sides. The learned counsel placed reliance on one case reported as **(2006) 11 Supreme Court Cases 114 [Rama Narang Vs. Ramesh Narang and Anr.]** in support of his contention that there is the contempt committed by present respondent. This Court has carefully gone through the facts of the case. The facts were altogether different. The decree was given on the basis of consent given by party, contemner and then there was breach of the order. Thus, the reported case is of no help to the petitioner.

5. In the result, the petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/