

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CONTEMPT PETITION NO.213 OF 2014

Office Notes, Office memorandum of Coram, appearances, Court's orders or directions & Registrar's orders.

Court's or Judge's orders.

Shri Rajshekhar V. Govilkar for the Petitioners.

Mrs. Deepa Chavan along with Shri Ravindra Chile and Shri Rahul Sinha i/by DSK Legal for the Respondent Nos.1 to 6.

Shri V.S.Gokhale, AGP for the Respondent No.7.

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CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 14TH AUGUST 2015

P.C.:

. Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for the Respondents contemnors. A copy of the order dated 7th August 2015 passed by the Competent Authority is tendered on record.

2. The learned counsel appearing for the Petitioners makes a grievance that notwithstanding the order dated 29th August 2013, the First Respondent did not decide the representation. As a result of the delay, the Petitioners were required to spend huge amount in the meanwhile. He urged that, therefore, notwithstanding the order belatedly

passed on 7th August 2015, the action under the Contempt of Courts Act, 1971 deserves to be taken. We have heard the learned counsel appearing for the Contemnors.

3. It is true that there is a delay on the part of the First Respondent in complying with the order dated 29th August 2013. As far as the exercise of jurisdiction under the Contempt of Courts Act, 1971 is concerned, the law is very clear. It is ultimately a matter between the Court and the Contemnors. In case of every breach of the orders of this Court, action under the Contempt of Courts Act, 1972 cannot be mechanically taken. Only if the Court is satisfied that in a given case, the breach is willful or deliberate that the action is required to be taken.

4. In the facts of the present case, considering the subsequent order passed by the concerned authority of the First Respondent on 7th August 2015, this is not a fit case where the action under the Contempt of Courts Act, 1971 should be taken against the Contemnors.

5. If the Petitioners have suffered any monetary loss due to any default on the part of the Respondents, it is for them to adopt appropriate remedy in that behalf.

6. Hence, the notice issued to the Contemnors are discharged. Remedies of the Petitioners are kept open.

(REVATI MOHITE DERE, J)

(A.S.OKA, J)