

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 289 OF 2015

Mrs. Abha Dastane-Rao & Anr.	...	Petitioners
Vs.		
Prabhakar Deolankar & Ors.	...	Respondents

Mrs. Abha Dastane-Rao, petitioner appearing in person.
Mr. S.N. Chandrachud, Advocate for respondent no. 1.
Mr. Pramod J. Pawar, Advocate for respondent no. 4.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 9th DECEMBER, 2015

P.C.:

This Contempt Petition is taken out by the petitioner, as the contempt is committed by the respondents of the order passed in Miscellaneous Application no. 21 of 2008, which is pending before the 5th Joint Civil Judge Senior Division and Chief Judicial Magistrate, Pune.

2. As per the submissions of the petitioner, who appears in person, the respondents have committed contempt of two orders, one is the order dated 29th April, 2014 by which the learned Judge has directed opponent nos. 1 and 35 to produce the documents and if those documents are not in their possession, then they shall file affidavit within one month. However, within one month, the order was not complied with, hence the petitioner has moved an application under Order 39 Rule 11 of the Code of Civil Procedure and prayed to strike out the defences of defendant nos. 1 and

35. On the said application marked as Exhibit 383, the trial Court directed opponent nos. 1 and 35 to comply with the order dated 29th April, 2014 on Application (Exhibit 383) on or before 15th December, 2014. It is the contention of the petitioner till 15th December, 2014, opponent nos. 1 and 35/respondents did not comply with the order. On query, the petitioner submitted that the learned Judge passed the order on pursis at Exhibit 503 that defence of opponent no. 35 was struck out, however, the Court did not strick out the defence of opponent no.1.

3. At the request of learned counsel for the respondents who have appeared today upon production of this matter, seeks time to obtain instructions.

4. On this point, I do not think that instructions are required and the Court can dispose of the matter today itself.

5. In view of this, as the trial Court has passed the order, who is fully in-charge of the matter, this Court will not interfere in the said order at this stage. The trial Court is at liberty to take necessary steps in accordance with law.

6. With this, Contempt Petition is disposed of.

(MRIDULA BHATKAR, J.)