

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 214 OF 2012

Mohammed I. Ibrahim Batatawala & Anr.	..	Petitioners
VS.		
Mr. Anil D. Shalunke	..	Respondent

Mr. S. M. Gorwadkar with Ms S. Y. Baugwala i/b. Mr. Niranjana Mogre for Petitioner.

Mr. A. D. Kango – AGP for Respondent No. 1.

Advocate Ms Latika Belindage present.

Mr. Anil D. Shalunke - Respondent present in person.

CORAM : M. S. SONAK, J.

DATE: 05 FEBRUARY 2015

P.C. :-

1] This petition was filed alleging the contempt of the order dated 2 August 2011 in writ petition no. 332 of 2011 in the matter of expeditious disposal of misc. application no. 716 of 2001 for appointment of new trustees pending before the Deputy Charity Commissioner.

2] Several events have taken place since making of the said order. Today, the order which holds the field is dated 28 August 2014 by which the time for disposal of the misc. application has been extended upto end of August 2015. Mr. A. D. Kango, the

learned AGP assured this Court that the matter is being taken up with utmost despatch and every endeavour shall be made to dispose of the same as per the directions of this Court. Accordingly, there is no necessity to make any further orders with regard to disposal of the said misc. application no. 716 of 2001.

3] In so far as the contempt of order dated 2 August 2011 is concerned, the concerned Deputy Charity Commissioner has filed an affidavit explaining the delay.

4] In the affidavit, the officer has tried to submit that some dilatory tactics were adopted by the parties themselves. At this stage, there is no necessity to go into such issues. The records indicate that the proceedings could have been expeditiously disposed of. The records also indicate that the parties could have rendered better cooperation in the matter of expeditious disposal. Ultimately, now that there is no complaint that the matters are proceeding at the right pace, no useful purpose would be served in delving any deeper into such matters. Taking over all view of the matter, this Court is of the opinion that this is not a fit case to initiate contempt proceedings.

4] Accordingly, there is no reason to continue with these proceedings any further. The contempt petition is accordingly disposed of.

(M. S. SONAK, J.)

Chandka