

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.459 OF 2014

Rajiv L. Sangtani and others. ..Petitioners
Versus
Shri Vikas Deshmukh
and others. ..Respondents

....

None for the Petitioners.

....

CORAM : A.S. OKA, AND
A.R. JOSHI, JJ.

DATE : 21st AUGUST, 2015

P.C.

1. None appears for the petitioners. We have perused the Contempt Petition. The breach alleged is of order dated 17th October, 2013, which reads thus :

“Acquisition proceedings to go on. However, possession not to be taken. Corporation to file their reply pointing out whether they are willing to pay compensation to the Petitioners.”

2. The only breach alleged is that notwithstanding the aforesaid direction issued by this Court, reply has not been filed by the Pune Municipal Corporation.

3. The Writ Petition is still pending for admission. The grievance regarding the failure of the Municipal Corporation to file a reply can be made by the petitioners in pending Writ

Petition.

4. The contempt jurisdiction of this Court under the Contempt of Courts Act, 1971 is discretionary. It is not necessary to take action in case of every breach of every order of this Court.

5. Considering the nature of the breach alleged, we find that this is not a case to proceed under the Contempt of Courts Act, 1971. Accordingly Contempt Petition is disposed of. We, however, make it clear that it will be open for the petitioners to raise the issue of non-compliance with the order dated 17th October, 2013 when the Petition is heard for admission.

(A. R. JOSHI, J.)

(A. S. OKA, J.)