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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.335 OF 2013.

Prabhakar Phalake and anr ... Petitioner
V/s.
The State of Maharashtra and ors Respondents.

**WITH
CIVIL APPLICATION NO.12 OF 2015
IN
CONTEMPT PETITION NO.335 OF 2013**

Saswad Mali Sugar Factory ... Applicant/intervener

in the matter of

Prabhakar Phalake and anr ... Petitioner
V/s.
The State of Maharashtra and ors Respondents.

Mr. M. L. Patil, for the petitioner.

Mr. A. B. Vagyani, Government Pleader a/w Mr. A.I. Patel, AGP, for respondent No.1.

Mr. P. B. Shah i/by Kayval P. Shah, for applicant/intervener in CA 12 of 2015.

**CORAM : A.S.OKA &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 6TH APRIL, 2015.

P.C. :

1. We have perused the affidavit in reply filed by fifth respondent Mr. Swadhin Kshatriya, which is dated 8th February, 2015 in Contempt

Petition No.335 of 2015. After having perused the reply, we find that no case is made out against fifth respondent to proceed under the Contempt of Courts Act, 1971. Accordingly the said petition shall stand dismissed as against fifth respondent.

2. As far as prayer clause (b) in Contempt Petition No.335 of 2013 is concerned, such a relief cannot be granted in a contempt petition.

3. Our attention is invited to the judgment and order dated 11th February, 2015 passed by the Apex Court in Civil Appeal No.1751 of 2015 and other connected matters. Time granted to the enquiry officer to complete the enquiry has been extended by a further period of six months under the said order of Apex Court.

4. Both the Contempt Petitions have already been admitted.

5. Place both these petitions on 28th August, 2015 under the caption, "for directions".

6. Civil Application No.12 of 2015 for intervention is misconceived. A contempt proceeding is always between the Court and the contemnor. Hence Application is rejected.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[A.S.OKA, J.]