

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 492 OF 2014

Harbhajan Singh B. Ajimal .. Petitioner
vs.
Smt. Vaishali P. Benre and anr. .. Respondents

Mr. Harbhajan Singh, Petitioner-in-person.
Mr. N.V. Walawalkar, Sr. Advocate i/b Yuvraj Patil for Respondent No.2.

CORAM : M. S. SONAK, J.
DATE : 10 MARCH, 2015

P.C. :-

1] The petitioner alleges contempt against the respondents, who are practising advocates.

2] By order dated 30 September 2013, Writ Petition No.2312 of 2013 was disposed of. Paragraph (1) of the order reads thus:

“(1) Learned Advocate Smt. Benere makes statement that she has instructions to appear on behalf of Respondent No.3 also. She undertakes to file vakalatnama for Respondent No.3 within two weeks from today.”

3] The petitioner contends that respondent No.1, despite undertaking did not file a Vakalatnama within two weeks from the date of the order. The petitioner states that till today, no such Vakalatnama has been filed by respondent NO.1 and therefore, this constitutes a breach of undertaking and consequently contempt.

4] In so far as respondent No.2 is concerned, several reckless allegations have been made, because respondent No.2 on 7 October 2013 filed Vakalatnama for and on behalf of respondent No.3 in the main petition.

5] Having heard the petitioner appearing in person and perused the records, there is absolutely no question of any contempt involved. True, respondent No.1 did not file the Vakalatnama as undertaken. However, the Vakalatnama was filed by respondent No.2 in the present petition for and on behalf of respondent No.3 in the main petition. This is sufficient compliance.

6] There is absolutely no warrant for the frivolous and reckless allegations made by the petitioner in the contempt petition. Ordinarily, costs ought to have been imposed upon the petitioner. However, considering the circumstance that the petitioner is appearing in person and the verification clause states that he is about 70 years of age, no costs are imposed upon the petitioner.

7] The contempt petition is, accordingly, dismissed.

(M. S. SONAK, J.)

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