

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 375 OF 2012
IN
WRIT PETITION NO. 7497 OF 2012

Gopala Ganpat Fale .. Petitioner
VS.
The State of Maharashtra & Ors. .. Respondents

Mr. Hitesh Vyas for Petitioner.
Ms Ashvini Takalkar i/b. Mr. Nitin Deshpande for Respondent Nos.1
to 4.

CORAM : M. S. SONAK, J.
DATE : 03 FEBRUARY, 2015

P.C. :-

1] This contempt petition complains against the wilful breaches committed by the Tahsildar, Kadegaon, District Sangli, in the matter of failure to delete encumbrance in the 7/12 extract affecting the petitioner's property.

2] Notice was issued to the Tahsildar, who has filed an affidavit dated 8 June 2014. In the affidavit, the Tahsildar has tendered an unconditional apology for the delay in implementation of the order made by this Court. The Tahsildar has explained the circumstances in which such delay was occasioned. The Tahsildar has further made a categorical statement that the order has now been complied with by deletion of encumbrance vide Mutation Entry No. 1289.

3] The learned counsel for the contemnor seeks some time to take instructions as to whether encumbrance has indeed been deleted. The learned counsel for the contemnor placed on record actual 7/12 extract and the mutation entry, by which the encumbrance has been deleted. The learned counsel for the petitioner however seeks time in order to verify this position. There is no necessity for grant of any further time in a situation of this nature.

4] It is inconceivable that the Tahsildar will file an affidavit before this Court containing solemn statement that the order has been complied with by way of deletion of encumbrance and that such deletion has not in fact been effected in the records. Besides zerox copy of 7/12 extract produced on record also bears out the position that the order has been complied with and the necessary deletion effected. Ultimately, matters of contempt are between the contemnor and the court. In the facts and circumstances of the present case, this Court is satisfied that there has been compliance. This Court is also satisfied that the delay in compliance was neither wilful nor intentional.

5] Accordingly, a notice in the present contempt petition is discharged. Contempt petition is disposed of accordingly.