

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.69 OF 2015
IN
WRIT PETITION NO.1092 OF 2014

Dileep Balkrishna Nevatia	Petitioner
versus	
Prothonotary and Senior Master, High Court, Bombay	Respondent

Mr.Dileep B. Nevatia, Petitioner in person, present.
Ms.Rebecca Gonsalvez for Respondent.

CORAM : S.C.DHARMADHIKARI AND
B.PCOLABAWALLA, JJ.

DATE : 2 December 2015

PC :

The Petitioner has filed this contempt petition alleging that the order passed by this Court in Writ Petition No.1092 of 2014 dated 8 May 2015 is disobeyed.

2. The Petitioner appearing in person invites our attention to the detailed judgment and order of this Court, a copy of which is at Annexure-G, page 53, of the paper book. The operative order and direction is that Respondent to the writ petition shall pay interest @ 9% p.a. on a sum of Rs.62,000/- to

the Petitioner before us from 14 May 1993 till 2010 and such amount shall be paid within a period of three months from the date of judgment and order.

3. The Petitioner states that on the expiry of this period of three months and when the amount was not paid, he addressed a letter to the Respondent, a copy of which is at page 67 of the paper book. Then our attention is invited to the reply to the letter from the Respondent, a copy of which is at Annexure-I, page 68 of the paper book. In that reply it is clarified that the order has been passed against Prothonotary & Senior Master of this Court. The registry of the original side headed by him is directed to pay the same. Accordingly, steps have been taken to move the Government of Maharashtra. As soon as the Government of Maharashtra releases the funds, the aforesaid sum will be paid and in compliance with this Court's order dated 6/8 May 2015. At page 69, the letter ends with assurance to the Petitioner.

4. After having perused the entire contempt petition and annexures thereto, we are of the view that the issue arises out of an amount of money deposited in this Court and which according to the Petitioner ought to have been returned and released with interest. The lapse on the part of registry in first place appears to be that it never invested the deposited sum in a fixed deposited with a nationalized bank or otherwise so as to

earn interest and secondly forcing the Petitioner to file a petition so as to seek directions. It is pertinent that the registry of this Court headed by the Prothonotary & Senior Master is directed to pay the amount. None of the officials including the Prothonotary & Senior Master has been directed to pay the same personally or out of his own pocket. Therefore, the registry in terms of the normal and ordinary procedure, has to move the Government and when Government approves and sanctions the funds and places the monies in the hands of the registry, it would comply with the orders of this Court. To our mind, this would not be within the purview of the definition of the term "Civil Contempt", as appearing and defined in Section 2(b) of the Contempt of Courts Act, 1971. There is no willful disobedience of the judgment, order, direction or a writ of this Court. In such circumstances, leaving open the Petitioner other remedies for executing and implementing the directions of this court, we dismiss the contempt petition.

(S.C.DHARMADHIKARI, J.)

(B.P.COLABAWALLA, J.)