

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.239/2014

IN

MISC. CIVIL APPLICATION NO.306/2013

IN

FIRST APPEAL NO.59/1992 (D)

Gulabrao Deorao Thakre

...Versus...

P.S. Saharia, Chief Secretary, The State of Maharashtra, Revenue and Forest
Department, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. B.P. Maldhure, AGP for respondents

CORAM : Z.A. HAQ, J.

DATE : 25.02.2015

None appears for the petitioner. Heard Mrs. B.P. Maldhure, the learned Assistant Government Pleader for the respondents.

The grievance of the petitioner is that the judgment passed by this Court in Misc. Civil Application No.306/2013 in First Appeal No.59/1992 on 26.4.2013 has not been complied with and the respondents have not taken any steps to deposit the amount within the time stipulated by the above referred judgment. In response to the notice issued by this Court, the respondent no.2 has filed the affidavit pointing out the steps taken in the matter.

Considering the submissions made by the respondent no.2 in paragraph no.6 of the affidavit, it cannot be said that the

respondents have wilfully disobeyed the judgment/directions of this Court and it cannot be said that there had been no action on the part of the respondents to deposit the amount. Though the respondents cannot be prosecuted for contempt, as the judgment passed by this Court on 26.4.2013 has not been complied and considering that the State Government is required to pay interest on the amount, it would be appropriate that the amount be deposited within three months.

The learned Assistant Government Pleader submits that the amount will be deposited within three months.

Accepting the submission made on behalf of the respondents and for the reasons stated above, the contempt proceedings are dropped. The contempt petition is disposed of. No costs.

JUDGE

Wadkar