

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.433 OF 2016
IN
WRIT PETITION NO.1157 OF 2016

Yadav Kisan Gangotri

PETITIONER

VERSUS

Ajay Kadam, Nanded D.C.C.

RESPONDENT

Mr.Ram S.Shinde, Advocate for the petitioner.
Mr.R.K.Ingole, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 03/08/2016

PER COURT :

1. The respondent has filed an affidavit in reply. It is specifically contended that the respondent does not desire to disobey any order passed by any Court or Authority. There is no intention to cause disobedience of the order of this Court, much less commit any act which would tantamount to contempt.

2. It is submitted that the respondent had issued a letter to the petitioner to collect the amount. Expecting the petitioner to come and collect the amount and execute a receipt to that extent, the respondent had waited, As the petitioner did not turn up, the respondent informed him that the amount is to be paid, is kept ready

through Cheque No.341499.

3. It is stated that the period granted by this Court expired on 03/05/2016. On 18/06/2016, an amount of Rs.5,59,734/- was paid to the petitioner through an account payee cheque bearing No. 341499 dated 18/06/2016. Similarly, the gratuity amount of Rs.5,08,846/- was deposited in the Savings A/c of the petitioner, which he operates with the respondent Bank. It is, therefore, submitted that the delay in payment is not intentional or deliberate.

4. In so far as the payment of gratuity is concerned, the amount was credited to the Savings A/c of the petitioner on 28/06/2016. Apparently, this amount is deposited after the time period granted by this Court was over. Learned Advocate for the respondent makes a statement on instructions from the respondent present in the Court that interest, as directed by this Court on the amount of Rs.5,08,846/-, shall be paid to the petitioner within a period of 5 (five) weeks.

5. It also indicates that even the cheque dated 18/06/2016 was prepared after the passage of 18 weeks when this Court granted 12 weeks time to the respondent. As such, Mr.Ingole submits on

instructions from the respondent present in the Court that interest on Rs.1,59,734/-, as directed by this Court, will be paid within 5 (five) weeks from today. The interest will be calculated as on the date of payment. Needless to state, the interest amounts on both the above amounts shall be paid within 5 (five) weeks from today.

6. Considering the statement made by the learned Advocate for the respondent on instructions, this contempt petition is disposed of since the petitioner present in the Court submits that he is satisfied with this statement.

7. It be noted that, if the statement recorded by this Court as above, is not complied with, the same shall amount to contempt of the order of this Court.

8. As such, this contempt petition is disposed of.

(RAVINDRA V. GHUGE, J.)