

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 30 OF 2015
IN
CIVIL APPLICATION NO. 5912 OF 2012
IN
SECOND APPEAL NO. 280 OF 2012**

Bhanudas Ganpatrao Khandade
and another

...PETITIONER

versus

Ravikant Bhanudas Khandade

...RESPONDENT

.....
Mr. Hrishikesh A. Joshi, Advocate for petitioner
Mr. V.D. Gunale, Advocate for respondent
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 27th JANUARY, 2016.

Order :-

1. Heard learned counsel for the parties.
2. Mr. Gunale, learned counsel appearing for respondent refers to various circumstances under which there is ostensibly non compliance of order dated 02-08-2014 in civil application No. 5912 of 2012 in second appeal No. 280 of 2012. According to him, compliance of order dated 02-08-2014 could not take place because of the circumstances referred to in the application. It is submitted that as per the directions of this court when the amount was sought to be deposited by the respondent, no writ of the order dated 02-08-2014 had been received by the trial court and as such trial court had not accepted the deposit.

Subsequently, writ appears to have been received by the trial court, however, by then proceedings were disposed of and the trial court had expressed its inability to accept the amount pursuant to order dated 02-08-2014 passed by this court.

3. Mr. Gunale, learned counsel further submits that his client is ready to deposit the amount pursuant to order dated 02-08-2014.

4. Having regard to that, it cannot be said that there had been any deliberate intention on the part of the respondent not to comply with the orders.

5. In the circumstances, the respondent shall deposit the entire amount of arrears within a period of four weeks from today, in this court in second appeal No. 280 of 2012, and shall continue to regularly pay the amount as directed by this court under order dated 02-08-2014.

6. In view of aforesaid, contempt petition stands disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK