

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 283/2015

Vitthal Rukmini Deosthan Trust & Ors. ... Petitioners

V/s.

Anant Ganpat chikate & Ors. ... Respondents

Mr. Aditya Aklekar i/b. Rahul Kadam for the petitioners

CORAM: K.K. TATED, J.
DATED : AUGUST 25, 2016

P.C. :

1. Heard the learned counsel for the petitioner. By this petition, the petitioner alleges that the respondent violated the order dated 12.01.2015 passed by this court in Writ Petition 8609/2014, by filing several applications before the Dy. Charity Commissioner, Pune in Inquiry Application No.1317/2010 to delay the matter.

2. It is the case of the petitioner that this court, by order dated 12.01.2015 in Writ Petition No.8609/2014 directed the Dy. Charity Commissioner, Pune to decide Inquiry Application No.1317/2010 within four months from the date of order. He submits that this court also directed the parties to appear before the Dy. Charity Commissioner on 19.01.2015 at 11.00 am to obtain directions with regard to further date and proceedings. He submits that instead of arguing the said matter, the respondent filed initial application dated 13.03.2015 for

dismissal of Inquiry application No.1317/2010 as per the provisions of section 10 of the Code of Civil Procedure, 1908. He submits that said application was decided by the Dy. Charity Commissioner on 13.03.2015 and rejected Exhibit- 67.

3. The learned counsel for the petitioner submits that the respondent also filed another application below Exhibit- 67A. Same was also decided by the Authority.

4. The learned counsel for the petitioner submits that to prolong the litigation, the respondent filed application below Exhibit- 77 through third party for joining him as party respondent in Inquiry Application No.1317/2010. In that application the petitioner filed reply on 11.03.2015 and pointed out that this court had directed the authority to decide the matter within four months from the date of order. He submits that the said application below Exhibit- 77 was allowed by the Dy. Charity Commissioner, Pune region, Pune by order dated 16.03.2015. He submits that again the respondent made application below Exhibit- 81 for appointment of a new advocate. He submits that in this way the respondent made several applications to prolong the litigation. Hence, they committed contempt of courts and are liable to be punished as per the Contempt of Courts Act, 1971.

5. Heard the learned counsel for the petitioner at length, gone through several applications made by the respondent/third party in Inquiry Application No.1314/2010. It is to be noted that this court by order dated 12.01.2015 in Writ Petition No.8609/2015 directed the Dy.

Charity Commissioner to decide the matter as early as possible but in any case within 4 months from the date of order, after giving fair chance to the parties. It is to be noted that, nowhere it is stated in the said order that the respondents should not file any application in Inquiry Application No.1317/2010. It is to be noted that when third party made an application for joining him as party on 10.03.2015, same was opposed by the petitioner by filing their reply on 11.03.2015.

6. Considering the facts on record, the Dy. Charity Commissioner, by its order dated 16.03.2015 allowed the said application directing the petitioner to join third party viz. Vilas Laxman Apte as respondent in Inquiry Application No.1317/2010.

7. There is no dispute that this court, by order dated 12.01.2015 directed the Dy. Charity Commissioner, Pune to decide the matter as early as possible but in any case within 4 months from the date of order. But nowhere it is restrained the respondent from making any application for a fair trial. Making applications in support of the respondent's case does not amount to contempt of courts.

8. Considering these facts, I do not find any substance in the Contempt Petition. Hence, same stands dismissed with costs.

(K.K. TATED, J.)