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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 6484 OF 2016

Mr. Shekhar Pathare.

... Petitioner.

V/s.

Govt. of Maharashtra and Ors.

... Respondents.

Mr. Shekhar Pathare, Petitioner-in-person.

Mr. S.D. Rayrikar, AGP for Respondent 1.

Mr. S.K. Shinde a/w. Ms. Sneha Sanap for Respondent 4.

CORAM : N.M. Jamdar, J.

22 August, 2016.

Oral Order :-

Heard the Petitioner-in-person and the learned Counsel for the Respondents. Though various prayers have been sought in this Petition, the Petitioner-in-person has restricted the Petition to prayer clause (a) coupled with prayer clause (g) of the Petition.

2. The Petitioner has prayed that the orders dated 15 March 2016 and 16 March 2016 passed by the Co-operative Court, Mumbai and the Co-operative Appellate

Court, Mumbai be set aside and a reference be made to this Court and to take an appropriate action against the Respondents for contempt.

3. An election dispute has been filed by the Petitioner in the Co-operative Court, Mumbai in the year 2010. According to the Petitioner, the learned Co-operative Court had directed the Respondents to give inspection of certain documents within 10 days. Said inspection was not given as directed and the period expired on 19 October 2015. According to the Petitioner, he had made an application for proceeding against the Respondents for contempt on the ground that the inspection was not given so also an incorrect sickness certificate seeking leave of absence was filed. According to the Petitioner, the Application was posted for final orders on 15 March 2016 and earlier to posting the matter for final order, the Respondents had represented to the learned Co-operative Court that they do not wish to file reply however, on 15 March 2016 behind the back of the Petitioner, the Respondents moved the learned Co-operative Court Judge and got the order recalled. This order of recalling the final orders were challenged by way of Revision by the Petitioner and the Revision was dismissed by order dated 30 March 2016.

4. Both the Courts have given an opportunity to the

Respondents before a final order proceeding against the Respondents for contempt, is passed. The contempt alleged is of the Co-operative Court and the Co-operative Court by following principles of natural justice have given an opportunity to the Respondents. The proceedings in contempt can result in penal consequences and therefore, are quasi criminal in nature. Therefore, the approach adopted by both the Courts in giving opportunity to the Respondents before passing the order cannot be stated to be illegal to warrant interference in supervisory jurisdiction of this Court.

4. As far as the prejudice to the Petitioner is concerned, it is contended by the Petitioner that inspite of directions, inspection of the documents referred to in the cross-examination has not been given and therefore, the contempt proceedings had to be initiated. The learned Counsel for the Respondent No.4 submitted that according to the Respondent No.4, these documents are not necessary and not giving inspection of these documents will be at the risk of the Respondent No.4 and in case, in future they are found to be relevant, the Court may draw an adverse inference. In view of this statement, it cannot be said that any prejudice is caused to the Petitioner if the inspection of documents is not given.

5. Considering the fact that the election dispute is pending since the year 2010 and it is necessary that election disputes need to

be disposed of within reasonable period, the learned Co-operative Court Judge will make an endeavour to dispose of the Election Dispute No.31 of 2010 as expeditiously as possible and preferably on or before 31 December 2016. The learned Counsel for Respondent No.4 and the Petitioner-in-person states that they have been co-operate with the learned Co-operative Court Judge for early disposal of the election dispute within period stipulated and will not seek needless adjournments. This undertaking is accepted.

6. In these circumstances, no case is made out for interference in Writ jurisdiction. The Writ Petition is accordingly disposed off.

(N.M. Jamdar, J.)