

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

CONTEMPT PETITION NO.97 OF 2015

IN

WRIT PETITION NO.3526 OF 2014 [D]

[Omprakash Laxmanrao Komawar .vs. Shri Bhaskar P. Chate and one]

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

Court's or Judge's orders

Shri S.U. Nemade, counsel for the petitioner,
 Shri S.G. Jagtap, counsel for the respondent no.1,
 Shri P.V. Bhoyar, Assistant Government Pleader for the respondent no.2.

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CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATED : MARCH 14, 2016.

By this contempt petition, the petitioner seeks action against the respondents under the provisions of the Contempt of Courts Act for wilful disobedience of the orders dated 16.1.2015 and 2.2.2015.

It is stated that though in accordance with the aforesaid orders, the respondents were liable to pay the amount that was worked out by the VIDC, the respondents have not paid the said amount to the petitioner. It is stated that the worked out amount was Rs.26 Lacs and odd, whereas only an amount of Rs.16,77,357/- is deposited in this court. It is stated that there is a wilful breach of the solemn statements made by the learned counsel for the VIDC in this court on 16.1.2015 and 2.2.2015.

Shri Jagtap, the learned counsel for the respondent no.1, states on the basis of the affidavit-in-reply filed on behalf of the respondents that earlier an amount of Rs.26 Lacs and odd was computed on the basis of 7/12 extracts tendered by the petitioner. It is stated that it was, however, found that the 7/12

extracts tendered by the petitioner were forged and it was wrongly sought to be depicted that the land was cultivated land and not dry crop land. It is stated that the petitioner appears to have cheated his legal heirs as there is an intervention application filed in the present proceeding by the son of the petitioner seeking a share in the compensation. It is stated that there is no direction to the respondents to pay a specific amount to the petitioner. It is stated that in view of the aforesaid, the contempt petition is liable to be dismissed.

We do not find anything in the orders of which the contempt is alleged that directs the respondents to pay a particular sum to the petitioner. If the petitioner is of the view that the petitioner is entitled to an amount of Rs.26 Lacs and odd towards the assets (fruits bearing trees, crops etc), the petitioner is free to take up appropriate proceeding for seeking higher amount/compensation in accordance with law.

In the aforesaid circumstances, the contempt petition is disposed of with no order as to costs.

Civil Application No.20/2016

In a contempt petition, it would not be proper to permit intervention. Hence, the intervention application is rejected.

The Civil Application stands disposed of.

JUDGE

JUDGE