

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.316/2015 IN WRIT PETITION NO. 157/2014 (D)
(MAYARAM SAHAJRAM SADHWANI & ORS **VERSUS** MUNICIPAL COUNCIL, KARANJA (LAD) & ANR)

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

Court's or Judge's orders

Shri S.D. Chande, counsel for the petitioners.
Shri P.P. Deshmukh, counsel for the R-1 & 2.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 29, 2016.

By this contempt petition, the petitioners seek action against the respondents for willful disobedience of the directions in the order dated 04.02.2015 in Writ Petition No.157 of 2014.

Shri Chande, the learned counsel for the petitioners, states that though the respondents were directed to take steps to clear the arrears of the petitioners within six months and also to ensure that at the end of the said period, they would start receiving their regular pension every month, the respondents are not paying the pension, regularly. It is stated that there is default in payment of pension.

Shri Deshmukh, the learned counsel for the respondent no.1, submits by referring to the affidavit-in-reply filed on behalf of the respondent no.1 that there was some delay in payment of the amount but, the said delay was not willful and intentional. It is stated that the respondent no.1 had made several efforts for complying with the order, dated 04.02.2015 and cleared the arrears payable to the petitioners. It is stated that the respondent no.1 is paying the regular pension to the petitioners and sometimes there was some

delay in making the payment of monthly pension due to financial difficulties. It is stated that the respondents had intended to pay the pensionary dues to the petitioners regularly. It is stated that in the circumstances of the case, since the minor inaction on the part of the respondents is not deliberate or intentional, the contempt petition may be disposed of.

On a reading of the affidavit-in-reply filed on behalf of the respondent no.1 along with the documents annexed thereto, it appears that it would be necessary to dispose of the contempt petition as the delay on the part of the respondents in complying with the order was not deliberate or intentional. The arrears are paid to the petitioners and some delay in payment of monthly pension on some occasions does not appear to be intentional.

Hence, in the circumstances of the case, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

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