

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

CAO NO. 1571/2014 IN
CONTEMPT APPEAL ST. (CPL) NO. 20608/2014 IN
CONTEPT PETITION (CMP) NO. 102 OF 2010 IN
WRIT PETITION NO. 283 OF 2009

(Sheikh Nasir Sheikh Nazir, President, Public Education Society, Murtizapur vs. Hussian Lalkhan Pathan & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
JANUARY 21, 2016.**

Heard Shri Bhandarkar, learned learned counsel for the applicant/ appellant and Shri M. Ateeque, learned counsel for respondent Nos. 1 & 4.

The prayer is to condone delay of 41 days in filing Appeal under Section 19 of the Contempt Courts Act.

The applicant/ appellant states that he was indisposed and, therefore, could not come to Nagpur and file appeal.

The respondents, who have moved Contempt Petition before the learned Single Judge, are strongly opposing the prayers. They point out that on two dates i.e. on 06.09.2014 and 20.9.2014, the applicant has appeared in the court of J.M.F.C., Karanja.

The applicant has thereafter filed a counter affidavit.

After hearing Shri Bhandarkar and Shri Ateeque, learned counsel for the respective parties, we find that the

applicant is Advocate by profession. He, during above said period, has appeared only on two dates. The delay sought to be explained is from 04.09.2014 to 14.10.2014. The counter affidavit shows that on 06.09.2014, he was assisted by his family members, driver and Junior Advocate as the matter was personally against him and he was arrayed there as accused.

The facts on record, therefore, show that a practicing Advocate has appeared in personal matter only on two days in the above mentioned period.

We, therefore, do not find anything wrong with the reason given in support of condonation of delay. Accordingly, CAO No. 1571 of 2014 is allowed.

The office to register Contempt Appeal and place it for further consideration.

JUDGE

JUDGE

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