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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONT. PETITION NO. 401 OF 2017
IN RA/153/2016**

**MADRAWATI ARJUN KSHIRSAGAR
VERSUS
NITIN RAMCHANDRA GADRE AND**

Advocate for Petitioner : Panpatte V.S.
AGP for Respondents: Mr.P.S.Patil
Adv.Mr.R.B.Bagul for R.3.**

CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 19/07/2017

PER COURT :-

1] Having heard the petitioner's advocate we do not think that a case of civil contempt is made out.

2] The petitioner was initially unsuccessful and his Writ Petition was dismissed. He moved a Civil Application and this Court allowed the Review (Civil) Application, reviewed its judgment. After review, representation was addressed by the petitioner to the Government and the Government promptly replied on 5/12/2016. Admittedly this was within a period of six months. The petitioner was called upon to furnish further proof and it would be placed before a High Power committee. Thereafter the petitioner carried out correspondence with Additional Commissioner. The petitioner raises a plea that this

correspondence did not result in positive response and therefore, moved the Chief Minister of the State.

3] However, this is not a case where there is any wilful disobedience or deliberate act on the part of the respondents. The ingredients of civil contempt are clear. There has to be a proof in terms of Section 2(b) of the Contempt of Courts Act, 1971, which reads as under :

2] In this Act, unless the context otherwise requires.-

b] “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a Court or wilful breach of an undertaking given to a Court; “

4] We do not think that any of the ingredients of civil contempt are made out. The Contempt Petition is entirely misconceived, is therefore dismissed.

(MANGESH S. PATIL,J.) (S.C.DHARMADHIKARI,J.)

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