

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.790 of 2016
(M/s Saj Enterprises Vs.Sanjay Kashinath Kale)
IN
WRIT PETITION NO.3675 OF 2015

Mr.K.D.Khade, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 09/01/2017

PER COURT :

1. The petitioner contends that the respondent has willfully, intentionally and deliberately disobeyed the order of this Court dated 01/04/2015 passed in WP No.3675/2015 and the order dated 29/05/2015 passed in CA No.5708/2015.

2. The petitioner has also placed reliance upon the judgment delivered by this Court in the case of Surajben Navalchand Shah and others Vs.Asian Food Products Ltd., and others [2004 Cr.L.J. 1979].

3. I have considered the submissions of the learned Advocate for the petitioners and have gone through the judgment cited.

4. This Court, by its order dated 01/04/2015, has granted interim relief to the original petitioner Sanjay Kashinath Kale only on the

condition that he deposits Rs.5,00,000/- on or before 20/04/2015, Rs.10,00,000/- on or before 20/05/2015 and the rest of the amount on or before 20/07/2015. This amount was to be deposited as a condition for staying the impugned order. It is specifically observed in the said order that, *“in case of failure to deposit any of the installments as aforesaid, interim relief would come to an end.”*

5. This Court, by order dated 29/05/2015 took on record the undertaking of the original petitioner that he would deposit an amount of Rs.10,00,000/-. It has been specifically observed by this Court that, *“Upon failure to deposit the amount as directed by this Court, would result in vacation of interim relief granted by this Court without reference to this Court.”* It is informed by the petitioner herein that the Execution Proceeding No.1/2013 is being adjudicated upon by the Executing Court.

6. This Court in the matter of Smt.Surajben Navanlchand Shah (supra) had concluded that the contemnor had willfully and intentionally disobeyed the order of the Court and deserved punishment.

7. In the instant case, the interim relief was granted on

conditions. This Court had specifically observed in both the orders referred to hereinabove that if the amount stated in the order was not deposited, the interim relief would be vacated without reference to the Court, which therefore means that the Executing Court could proceed to decide the execution proceedings on its merits. The respondent herein is therefore no longer protected by any interim order and the petitioner is at liberty to have the execution proceedings decided.

8. I do not find that in this case contempt of Court proceedings could be entertained.

9. In the light of the above, this petition is dismissed.

(RAVINDRA V. GHUGE, J.)