

Sarnobat

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 457 OF 2017

Sahebrao Deshmukh Co-op. Bank Ltd.	.. Petitioner.
Vs.	
Shri Rama Sahebrao Waghmare.	.. Respondent.

Mr. Vishal Ghosalkar, Advocate for the Petitioner.

CORAM : M. S. SONAK, J.

DATE : 27th NOVEMBER, 2017.

P. C. :

1. Heard learned counsel for the petitioner.
2. In this case, on behalf of the respondent no doubt a statement had been made that, he shall deposit the entire dues with the Petitioner-Bank on or before 27th April, 2017. Relying upon such statement, this Court, did not grant any stay on the auction which was proposed to be conducted on 17th April, 2017, but directed that the sale shall not be confirmed till 28th April, 2017.
3. When the matter was called out on 28th April, 2017, it was found that the respondent failed to make deposit on or before 27th April, 2017. Auction as scheduled, took place on 17th April 2017. On 28th April, 2017 the respondent applied for withdrawal of the Writ Petition and such leave was granted.

4. The learned counsel for the petitioner submits that a false statement was made by the respondent to secure interim relief and this constitutes contempt of Court.

5. On the basis of the material on record, it cannot be said that a false statement was made. It is possible that the respondent wanted to make the deposit, but was unable to do so. It is also possible that the statement was made only in order to secure some interim relief. The interim relief in this case, was not to stay the auction itself but only to stay the confirmation of sale until 28th April, 2017 i.e. the day after which the deposit was to be made. No serious prejudice is caused to the petitioner. The auction proceeded as per schedule and in view of failure to deposit, there was no restraint on confirmation of the auction.

6. Since, nothing conclusive can be said as to whether the statement was made by the respondent without any intention to act upon the same, there is no case made out for exercise of contempt jurisdiction.

7. The Contempt Petition is therefore, dismissed.

8. There shall be no order as to costs.

[M. S. SONAK, J]