

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (ST) NO.20244/2017
IN
WRIT PETITION NO.1248/2017

Laxman Baburao Mokashi ... Petitioner

V/s.

Shivaji Santu Kamble & Ors. ... Respondents

Mr. Chetan G. Patil for the Petitioner
Mr. Sandip J. Ghogare for Respondent No.2.
Mr. A. P. Vanarase, AGP for Respondent State.

**CORAM: K.K. TATED &
S. K. SHINDE, JJ.**

DATED : OCTOBER 9, 2018

P.C. :

1 Heard. By this Contempt Petition, the Petitioner alleges that the Respondent Nos.1 to 3, office bearers of Respondent No.7 have failed and neglected to comply with the order dated 06.02.2017 passed by this court in Writ Petition No.1248/2017.

2 The learned counsel for the Petitioner submits that this court, by order dated 06.02.2017 allowed the Petitioner to deposit the amount with Respondent No.7 within a week from the date of the order. He submits that as soon as the order was passed by this court, he approached Respondent Nos.1 to 3 and requested them to accept the sum of Rs.2,75,000/- in cash in compliance of the said order. He submits that the Respondent Nos.1 to 3 refused to accept the amount in spite of the order

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dated 06.02.2017. Therefore, it constrained the Petitioner to approach various authorities. In support of this contention, the learned counsel for the Petitioner relies on paragraph 4 of the Contempt Petition.

3 The learned counsel for the Petitioner submits that as Respondent Nos.1 to 3 have failed and neglected to comply with the order dated 06.02.2017 they may be dealt with under the provisions of the Contempt of Courts Act.

4 We heard both sides at length. It is to be noted that in the present proceedings in view of the subsequent development, the Petitioner made Civil Application No.2691/2017 in Writ Petition No.1248/2017 to comply with the order dated 06.02.2017. In the said Application the Petitioner made averments that Respondent Nos.1 to 3 and 7 were not ready to accept the amount. Hence, he may be permitted to deposit the same in the registry of this court. This court has passed order dated 28.09.2018 in Civil Application No.2691/2017 permitting the Petitioner to deposit the amount in compliance of the order dated 06.02.2017 in the registry of this court. The operative part of the order dated 28.09.2018 reads thus:

“(I) The applicant is permitted to deposit the amount as per the order dated 6th February, 2017 passed by this Court in Writ Petition No. 1248 of 2017 in the Registry of this Court on/or before 12th October, 2018 failing which Civil Application shall stand dismissed without sending back to the Court.

(ii) If the amount is deposited within the stipulated time as stated hereinabove, the Registry is directed to invest the said amount in Fixed Deposit in any nationalised Bank initially for a period of one year and the same to be continued till further orders.

(iii) If amount is deposited and receipt to that effect is placed before the Divisional Joint Registrar, Cooperative Societies, Kolhapur in Revision Application No. 7 of 2015, authority to decide the said Revision on its own merits after hearing both the sides.

(iv) Liberty is granted to the parties to approach this court for withdrawal of this amount, as and when, the occasion arises.

(v) The application stands disposed of with no order as to costs."

5 In view of subsequent development, we do not find any reason to take any action against the Respondents under the Contempt of Courts Act.

6 Hence, the Contempt Petition stands rejected. No order as to costs.

(S. K. SHINDE, J.)

(K. K. TATED, J.)