

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO.82/2000
IN
APPEAL AGAINST ORDER NO.71/1999

Yeturi Ramchandra Reddy
..Vs..
Shri C.A. Deshmukh and others

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

Court's or Judge's orders

Shri Ashwin Deshpande, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATE : 3.9.2018.

1. The office note shows that petitioner has not taken steps to effect service on the respondent Nos.2 and 3. This contempt petition is filed making grievance that inspite of an order passed by this Court in Civil Suit No.74/1999 restraining the respondents from making any deductions from the amount receivable by the petitioner, the respondents deducted amount while paying the bill of the petitioner. Shri U.A. Gosawi Advocate, who appears for V.I.D.C., was requested on the earlier date to assist the Court and to see if he can represent respondent Nos.2 and 3. Today, he has assisted the Court on the basis of the documents available on record of this contempt petition.

2. Learned Advocate for the petitioner has submitted that the civil suit in which the order, breach of which is complained, is decided and the judgment and decree passed by the trial Court is challenged before the

District Court in appeal which is pending. It is requested on behalf of the petitioner that the amount deposited by the respondents after filing of this contempt petition be transferred to the District Court and the respondents should not be permitted to withdraw the amount.

3. Considering the facts of the case, I find that the deduction of amount while paying the bills of the petitioner cannot be said to be wilful disobedience of the order passed by the trial Court and it would not be appropriate for this Court to exercise jurisdiction under Section 12 of the Contempt of Courts Act, 1971.

4. Keeping all issues raised by the petitioner open for consideration in appeal before District Court, the contempt petition is **dismissed**.

5. The amount deposited by the respondents alongwith interest on it, if any, be given to the respondents. However, the respondents shall file undertaking before the District Court that they will abide by the directions of the District Court and comply with the judgment / order that may be passed and pay the amount as would be directed, within eight weeks of the judgment / order that may be passed by the District Court.

JUDGE