

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

913 CONT. PETITION NO.254 OF 2019
IN WP/15268/2017

SHANKARRAO MALHARRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S.H.Panchal h/f Mr.Ghatol
Patil Shahaji B.

AGP for Respondent Nos. 1 & 2: Smt. R.P. Gour
Advocate for Respondent No. 3 : Mr. Mahesh S. Taur

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**CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.**

DATED : 16th JULY, 2019.

ORAL ORDER :

Heard Advocate Mr. Panchal, h/f Mr. Ghatol Patil, learned counsel for the petitioner. By the order dated 18.6.2019, notice was issued only to respondent No. 3, making the same returnable, on 16.6.2019.

2. The learned counsel for the petitioner prays for amendment to the petition by correcting the title clause. It is submitted before us that inadvertently, name of respondent No. 3 is referred to as 'Rajendra' Jagannath Markad, instead of 'Manoj' Jagannath Markad.

This being the minor typographical error, the oral prayer for amendment is allowed. Amendment be carried out forthwith.

3. Learned counsel Mr. Taur, for respondent No. 3 submits that he has instructions to appear on behalf of respondent No. 3. The learned counsel submits that appearance to that effect is filed in the office today itself. The learned counsel for respondent No. 3 submits that respondent No. 3 is ready to hand over the Demand Draft to the tune of Rs. 3,11,522/- to the petitioner today itself, in this Court.

4. The learned counsel for the petitioner submits that during the pendency of contempt Petition, the petitioner Shankarrao Mhhalarrao Deshmukh is expired and son of the petitioner, namely, Satish Shankarrao Deshmukh is present in this Court and he be permitted to accept the Demand Draft

on behalf of the deceased petitioner.

5. The learned counsel for the petitioner is disputing the amount referred to in the order dated 24.4.2018, as well as in affidavit in reply i.e. the sum of Rs. 3,11,522/-. The learned counsel submits that that respondent No. 3 was ready to pay the amount immediately, within the stipulated period but, for some reason on the part of the petitioner to accept the amount, the amount could not be paid to the petitioner and so the delay is unintentional and for the bonafide reasons. The son of the petitioner namely, Satish Shankarrao Deshmukh, is present in this Court and is ready to accept the amount to the tune of Rs. 3,11,522/-.

6. Respondent No. 3 is directed to hand over the Demand Draft No. 650433 of Rs. 3,11,522/- to the son of the petitioner. The order dated 24.4.2018 permits the petitioner to approach before the

appropriate forum and raise his grievance for arrears of salary and other benefits.

7. The learned counsel for the petitioner submits that the amount of Rs.3,11,522/- is not the amount claimed by the petitioner and there is some difference in the amount shown in the present contempt petition and the reference made to the amount in para No. 5 on the affidavit in reply and said document is the also placed on record.

8. We are not inclined to accept the submission in the present Contempt Petition and the petitioner may raise that grievance before the appropriate forum, if so advised. Keeping this opportunity open for the petitioner, the present contempt petition is disposed of.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

mahajansb/