

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 48 OF 2018

IN

WRIT PETITION NO. 26 OF 2018

VIKAS MADAN.,

... Petitioner

Versus

PALLAVI S. KAVLEKAR AND 5 ORS.,

... Respondents

Mr. Kaif Noorani, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 20th February 2019

P.C.

Heard Mr. Noorani, the learned Counsel for the petitioner.

2. This Court by order dated 19.06.2018 in Writ Petition No. 26/2018 had directed the respondent no. 1 to deposit the arrears of licence fee under Order XV-A of CPC. This contempt petition is filed on the premise that the respondent no. 1 has failed to comply with the said order.

3. On hearing the learned Counsel for the petitioner, it is not possible to accept that there is any contempt. The direction to deposit the arrears of licence fee under Order XV-A of CPC, is executable and Order XV-A of CPC itself provides for consequences of its breach including an order for striking off the

defence.

4. The learned Counsel for the petitioner submitted that an application for striking off the defence is already filed and is pending before the Trial Court.

5. In that view of the matter, no case for initiating contempt is made out. The petition is dismissed. Needless to mention that the Trial Court shall decide the application for striking off the defence on its own merits and in accordance with law.

C. V. BHADANG, J.

EV