

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.177/2015

Subhashchandra Motilal Pagaria ... Petitioner

V/s.

State of Maharashtra & Ors. ... Respondents

Mr. Abhijeet N. Gosavi for the Petitioner

Mr. Yogesh Dabake, AGP for the Respondent State

CORAM: K.K. TATED, J.

DATED : JANUARY 30, 2019

P.C. :

1 Heard. The learned counsel for the Petitioner submits that as the Respondent has failed and neglected to comply with the order dated 28.01.1992 passed by the Civil Judge, Senior Division, Nasik in Regular Civil Suit No. 782/1988, they filed the present Contempt Petition for taking action against them under the Contempt of Courts Act.

2 The learned counsel for the Petitioner submits that against the judgment and decree dated 28.01.1992, the Respondent had preferred an appeal which was also dismissed. Thereafter the Petitioner made an Application for execution of the said judgment. He further submits that in the execution proceedings, the Respondent filed the reply stating that they have already disposed of the suit property. He further submits that without taking permission from the court, the Respondent disposed of the

suit property. Hence, they are liable to be punished under the Contempt of Courts Act.

3 On the other hand, the learned AGP submits that time and again, though they requested the Petitioner to collect the similar goods from the godown, they failed and neglected to do so. Not only that, thereafter the Petitioner filed Special Civil Suit No. 166/2018 in the court of Civil Judge, Senior Division, Nasik for compensation of Rs.10 lacs. He further submits that in view of the subsequent development i.e. filing of the Special Civil Suit for compensation, there is no question of taking any action against the Respondent under the Contempt of Courts Act.

4 Considering the submissions made by the learned counsel for the parties and the subsequent filing of Special Civil Suit No. 166/2018 by the Petitioner, I do not find any reason to entertain the Contempt Petition.

5 Hence, the Contempt Petition stands rejected.

6 No order as to costs.

(K. K. TATED, J.)