

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 328 OF 2018

Smt.Asha Navnath Jadhav & Anr.	...	Petitioners
V/s.		
The State of Maharashtra	...	Respondent

Mr.P.K. Bohade for Petitioners.
Mr.S.H. Kankal, AGP for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 14th June 2019.

P.C. :

1] The present Contempt Petition is filed alleging that, the order dated 1st February 2018 passed by this Court in Writ Petition No. 7067 of 2017 has not been complied with by the Appellate Authority i.e. the Additional Commissioner, Nashik Division, Nashik.

By the said order, the Appellate Authority was directed to decide the appeal mentioned therein within a period of six weeks from 1st February 2018 after giving an opportunity to the petitioners, of being heard in accordance with law.

2] Mr.Sharad Mahadik, working as Tahsildar, Chandwad, Taluka Chandwad, District Nashik, an officer duly authorized to represent the State has filed an affidavit dated 15th October 2018 in response to the present petition. It is stated that, on 23rd May 2017 itself the Advocate for the petitioners had filed an application/pursis before the Appellate Authority i.e. the Divisional Commissioner, Nashik Division, Nashik, stating that, due to some technical difficulties the Appellants were not interested in pursuing the said appeal and the said appeal may be disposed off. A copy of the said application/pursis dated 23rd May 2017 is annexed to the said Affidavit.

A communication dated 2nd July 2018 addressed by the Additional Commissioner, Nashik Division, Nashik to the Registrar, High Court, Mumbai, is also annexed to the said affidavit. In the said communication, it is stated that, as was directed in pursuance of Order dated 1st February 2018, the petitioner did not remain present before the Appellate Authority on the stipulated date. It is further stated that, by a letter dated 23rd May 2017, the Advocate for the petitioner had already withdrawn the said appeal and therefore, the said appeal is not pending on the file of the concerned Authority for adjudication.

3] It appears from the record that, on 1st February 2018 the petitioners did not brief their advocate appearing in the Writ Petition before this Court about the said fact of filing of pursis/letter dated 23rd May 2017 requesting the Appellate Authority to dispose off the appeal, as the petitioners were not interested in pursuing the same.

4] In view thereof, this Court finds that, the respondents have not committed contempt of the said order dated 1st February 2018.

The present petition being misconceived, is accordingly dismissed in *limine*.

[A.S. GADKARI, J.]