

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

CONTEMPT PETITION NO. 501 OF 2018

Magdom Bashir Samsher	...	Petitioner
V/s.		
Sheetala Prasad Varma & Ors.	...	Respondents

Mr.Shailendra Pendse for Petitioner.
Mr.Viresh Shrivastav a/w. Mr.Hari Om Mishra i/b. Mr.Ram Singh for
Respondent Nos.1 to 3.

CORAM : A.S. GADKARI, J.

DATE : 9th August 2019.

P.C. :

1] By the present Contempt Petition, the petitioner has alleged that, Clause No.8 of Order dated 27th February 2018 has been violated by the respondents.

2] The Clause No.8 of Order dated 27th February 2018 reads as under :-

“Learned administrator shall handover the charge of the management of the society as well as records to the committee members within 48 hours of the petitioner's producing authenticated copy of this order.”

3] The record indicates that, in pursuance of Order dated 27th February 2018, the Chief Executive Officer appointed by the respondent No.3-Society, made aware of the said fact of passing of the Order by this Court to the Committee members namely, Mr.C.P. Mestry, Ms.Devyani Joshi, Ms.Gauri Gopani, Mr.Raghunath Panchal and Mr.Vipul Dholu by its letter dated 5th March 2018. After giving intimation and in pursuance of the instructions received thereof, the said Chief Executive Officer has taken charge of management and records of the Society on 10th March 2018. The Deputy Registrar, Co-operative Society, 'R' South Region, Mumbai, by its letter dated 11th June 2018 has informed the said fact to the petitioner. It is the contention of the petitioner that, the said Chief Executive Officer is not duly authorized to take charge of the record of the said society as there is no resolution in that behalf.

4] According to me, the said issue cannot be addressed in this Petition. It appears from the record that, in pursuance of Order dated 27th February 2018, the concerned Administrator has handed over management as well as records of the society to the authorized representative of the committee members of the respondent No.3-Society.

5] In view thereof, I find that no contempt is committed by the respondents.

6] Petition is accordingly rejected.

[A.S. GADKARI, J.]