

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Contempt Petition No.229 of 2017

In

Writ Petition No.3365 of 2015 (D)

Zashiram s/o Shri Domaji Thaware, Nagpur

Versus

Sou. Rajani Anil Deogade (Maiden name – Ku. Ranjana Namdeorao Bhangre), Head
Mistress, Saibaba High School, Nagpur, and others.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A. Shelat, Advocate for Petitioner.

Shri A.D. Mohgaonkar, Advocate for Respondent Nos.1 to 3.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Dated : 8th January, 2019

The complaint in this petition is about disobedience of the operative portion of the judgment delivered by this Court on 10-6-2016 in Writ Petition 3365 of 2015. The operative portion contained in Paragraph 8 is reproduced below :

“8. Taking over all view of the matter, we direct the respondent nos.1 and 2 to pay interest calculated at 6% on the incremental amount (difference), from 12.05.2003 till the date on which the amount is actually paid to the petitioner. The interest amount shall be paid to the petitioner within a period of three months from today. If the amount is not so paid, the said amount shall carry

interest @ 10%, thereafter, till it is received by the petitioner.”

Shri Mohgaonkar, the learned counsel appearing for the respondent Nos.1 to 3, submits that the payment had been made within the stipulated period, whereas Shri Shelat, the learned counsel appearing for the petitioner, submits that the payment has not been made and, therefore, the amount has to carry interest at the rate of 10%. It is also the contention that the interest at the rate of 6% has also not been paid.

We find that the amount can be recovered by filing a civil suit, as disputed questions of fact are involved.

The contempt petition is dismissed.

All questions are left open.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)