

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

CONTEMPT PETITION NO. 168 OF 2015

Hareshwar Raghunath Bhoir ... Petitioner

V/s.

Mr. Hemant Dhanuradhar Patil & Anr. ... Respondents

Mr. Mahendra Agavekar a/w Ms. Shraddha Chavan, Advocate for the Petitioner.

Mr. Nikhilesh D. Pote, Advocate for the Respondent No.1

CORAM : S. C. GUPTE, J.

DATE : 02 January, 2020.

PC:-

1] This contempt petition alleges breach of an order passed by this Court (Coram : N.M.Jamdar, J.) on 24 June 2014, directing Adarsh Vachanalay at Panju, Post Papadi, Tal.- Vasai, Dist.- Palghar, of which Respondent no.1 is the President, to pay an amount of Rs. 50,000/- to the Petitioner within eight weeks. Considering the facts that there was admittedly no payment and that the Petitioner's demand for compliance with the Court order had not even been replied by the Respondent herein, coupled with the fact that there was no reply to the contempt petition on the part of the Respondent, despite service of notice, this Court, by an order dated 25 April 2016, issued contempt notice. Notice has been duly served on

Respondent No.1. The Respondent has filed two affidavits in reply to the contempt petition. In the affidavits the Respondent has taken a position that, the Vachanalay does not have any funds and is unable to make payment.

2] It is submitted that the Vachanalay had written to the Directorate of Libraries as far back as on 29 January 2014 that it had no funds, requesting the later for financial aid. The Vachanalay had even offered to make over the management and affairs of the Vachanalay to Grampanchayat Panju, once again, as far back as in June-2014.

3] In the premises, there is no willful disobedience or breach of the Court order; the Vachanalay is simply unable to make any payment. On these facts, no order can be passed against it in the contempt jurisdiction of this Court. Respondents would rather have to avail of remedies of execution in accordance with law.

4] The Contempt Petition is, accordingly, dismissed and the notice is discharged, reserving liberty to the Petitioner to adopt appropriate remedies, as may be available to him in law, in respect of non-payment of his dues by the Vachanalay.

(S. C. GUPTE, J.)