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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.32 OF 2016
IN
FIRST APPEAL NO.799 OF 2010

Kisanrao Hanpude & Anr. ...Petitioners
V/s.
Prakash Hanpude & Ors. ...Respondents

Mr.Uday P. Warunjikar for the Petitioners.

Mr.Shrishail Sakhare for the Respondent No.1.

Ms.Tanaya Goswami, A.G.P. for the State – Respondent Nos.2 and 3.

CORAM : R.D. DHANUKA, J.
DATE : 20TH FEBRUARY, 2020.

P.C. :-

1. By this Contempt Petition, the petitioners seek an action under the provisions of Article 215 of the Constitution of India read with the provisions of the Contempt of Courts Act, 1971 against the respondent nos.1 and 2 for the alleged willful disobedience of the order dated 22nd August, 2014.

2. Mr.Warunjikar, learned counsel appearing for the petitioners invited my attention to the order dated 22nd August, 2014 passed by this Court and would submit that the respondents have not furnished any security in respect of an amount of Rs.2,06,869/- to the satisfaction of the Labour Court, Solapur within eight weeks from the date of the order i.e. 22nd August, 2014 or even till date. He submits

that since the respondent nos.1 and 2 had failed to furnish the security were directed to deposit the amount withdrawn by them in this Court within four weeks from the date that would be passed by the Labour Court. No amount is deposited by the respondent no.1 till date.

3. It is submitted by the learned counsel that the Labour Court has already rejected the application made by the respondent nos.1 and 2 for seeking permission to furnish the security on the ground that the said offer made by the respondent nos.1 and 2 was beyond the period prescribed in the said order dated 22nd August, 2014.

4. Learned counsel for the respondent nos.1 and 2 states that his clients are ready and willing to furnish the security as directed by this Court before the Labour Court within four weeks from today. He submits that the application was made before the Labour Court though belatedly to permit the respondent nos.1 and 2 to furnish the security as directed by this Court, however, the said application was rejected on the ground that the security was not offered within the time prescribed by the order dated 22nd August, 2014 passed by this Court.

5. The statement made by the learned counsel for the respondent nos.1 and 2 is accepted as and by way of an undertaking to this Court. The security proposed to be offered by the respondent nos.1 and 2 whether is adequate or not so as to secure the amount

of Rs.2,06,869/- or not, the same shall be decided by the Labour Court after hearing both the parties within two weeks from the date of the respondent nos.1 and 2 offering the said security. A copy of such application shall be served upon the petitioner's advocate by the respondent nos.1 and 2 along with the details of the security proposed to be offered.

6. If the Labour Court finds that the security offered by the respondent nos.1 and 2 is not adequate, the respondent nos.1 and 2 shall deposit the amount of Rs.2,06,869/- in this Court within two weeks from the date of the said order that would be passed by the Labour Court, without fail. In view of the statement made by the learned counsel for the respondent nos.1 and 2 which is accepted by this Court as and by way of undertaking to this Court, this Court does not propose to initiate any action against the respondent nos.1 and 2 at this stage.

7. The Contempt Petition is disposed of in aforesaid terms. There shall be no order as to costs.

8. Place the matter on board for compliance on 24th April, 2020. It is made clear that if the respondent nos.1 and 2 commit any contempt of this order passed today, the petitioners in that event would be at liberty to revive this Contempt Petition.

9. Considering the fact that the proceedings are arising out of

the impugned order passed under the Workmen's Compensation Act, 1923, hearing of the First Appeal is expedited. The petitioners are directed to file private paper book within eight weeks from today and shall serve a copy thereof upon the respondents' advocate simultaneously. The petitioners would be at liberty to apply for early date of hearing after filing private paper book.

(R.D. DHANUKA, J.)