

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

Contempt Petition No.133 of 2020 IN First Appeal No.1313 of 2018(D)

Uttam S/o Gambhira Rathod Vs. Shri Virendra Chaudhary, VI.D.C. and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.S. Mehadia, Advocate for the Petitioner.
Smt. Ujjwala Patil, Advocate for Respondent No.1.
Shri H.D. Dubey, A.G.P. for Respondent Nos.2 and 3.

CORAM : S.M. MODAK, J.
DATE : 22nd OCTOBER, 2020.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This Court as per the judgment dated 13th August, 2019 passed in First Appeal No.1313/2018 has directed the VI.D.C. to calculate the amount and deposit it before the reference Court within a period of six months. This contempt petition is filed because according to the petitioner, the said direction was not being complied with.

3. Heard learned Advocate Shri A.S. Mehadia for the petitioner and learned Advocate Smt. Ujjwala Patil for respondent No.1.

4. Perused the Pursis bearing Stamp No.01/2020. The respondent No.1 claims that prior to filing of this contempt petition, they have already deposited the necessary amount before the reference Court on 18th November, 2019. The copy of receipt is attached. The petitioner wants to withdraw this amount by filing

necessary application before the reference Court and he seeks liberty to file execution for the remaining amount.

5. According to learned Advocate Smt. Ujjwala Patil once this amount is deposited, they are not in arrears. I think this issue can be decided by the reference Court. The contempt petition no more survives. Hence, the directions:-

DIRECTIOS

- a) The petitioner is at liberty to move the reference Court for withdrawal of the amount deposited on 18th November, 2019.
- b) The petitioner is at liberty to file the execution if any amount is still in arrears and the executing court to decide whether really the respondent No.1 - V.I.D.C. is in arrears.
- c) The contempt petition is disposed of.

6. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE