

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

CONTEMPT PETITION NO.318/2015

The General Board of the Church of Nazarene

..V/s..

Rev. Solomon Smith and others

AND CONTEMPT PETITION NO.317/2015

The General Board of the Church of Nazarene

..V/s..

Rev. Solomon Smith and others

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

Court's or Judge's orders

Shri R.M. Sharma, Advocate for the petitioner.
Shri S.N. Gaikwad, Shri Y.R. Kinkhede, Advocates for respondent No.2.
Shri Rahul Tajne, Advocate for respondent No.9.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 9.1.2020.

1] I have heard the learned Advocates for the respective sides on 8.1.2020 for quite some time. I expressed a view that as an efficacious execution remedy and other statutory remedies are available to the petitioners, a proceeding under the Contempt of Courts Act would not be entertained.

2] The learned Advocate for the petitioners were granted time to take instructions as to whether the petitioners would withdraw these petitions and avail of the execution proceedings and all such remedies as are permissible in law.

3] The learned Advocate for the petitioners fairly

submits today on instructions that these petitions could be disposed off. However, time spent by the petitioners in this Court shall be excused so that the delay would not be an impediment for the petitioners to initiate the execution proceedings and / or such proceeding as is permissible in law for the redressal of its grievance. The learned Senior Advocate Shri Kaptan and his colleagues submit that they would not oppose on the point of delay since the petitioners were before this Court for a considerable time.

4] In view of the above, both these petitions are **disposed off** as withdrawn with liberty to the petitioners to avail of the execution and / or other proceedings as are permissible in law. The time spent by the petitioners in this Court from 23.10.2015 till the passing of this order, shall be excused and shall be a good ground for condonation of delay.

5] Pending civil applications do not survive and stand **disposed off**. No costs.

(RAVINDRA V. GHUGE, J.)