

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 373 OF 2021

IN

WRIT PETITION (ST) NO. 21990 OF 2019

Arjun Sitaram Nitانwar ... Petitioner

Versus

Vipin Sharma, Commissioner,

Thane Municipal Corporation ... Respondents

ALONG WITH

INTERIM APPLICATION NO. 3200 OF 2021

Mr.B.G.Tangsali for the Petitioner.

Mr.S.S.Kulkarni a/w. Mr. Anand Kulkarni i/b. Mr.N.R.Bubna for Respondent No. 2.

Ms. Kavita N. Solunke, AGP for the State.

CORAM : S.J. KATHAWALLA &

SURENDRA P. TAVADE, JJ.

DATE : 5TH NOVEMBER, 2021

(VACATION COURT)

P.C. :

1. The Petitioner in the above Contempt Petition has alleged that by not deciding the issue of compensation payable to the Petitioner within a period of eight weeks from 18th December, 2019, the Respondent has breached the order dated 18th December, 2019 passed by this Court.

2. However, the learned Advocate appearing for Respondent No.2 on instructions states that the Petitioner has already given up the issue of compensation long time back and the same can be seen from Exhibit A at page 42 of the Affidavit in Reply filed by the Respondent No.1.

3. In view of the above, it is established beyond any doubt that the Petitioner has filed the Contempt Petition by suppressing the correct facts in the matter.

4. Though we were inclined to take stern action against the Petitioner for his conduct, only since the Petitioner has through his Advocate given an undertaking to this Court that he will pay an amount of Rs.25,000/- towards costs to the Thane Municipal Corporation within two weeks from today, we accept the said undertaking and dismiss the above Contempt Petition. The above Interim Application also stands disposed off.

(SURENDRA P. TAVADE, J.)

(S.J. KATHAWALLA, J.)