

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

CONTEMPT PETITION NO.233 OF 2021

IN

FIRST APPEAL NO.509 OF 2014

[Narendra Tukaram Pawankar .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Mr. A.S. Mehadia, Advocate for the applicant-petitioner,
Ms. Shamsi Haider, AGP for respondent no.1,
Mr. J.B. Kasat, Advocate for respondent no.2.
.....

CORAM: M.S. SONAK, J.

DATED: DECEMBER 08, 2021.

Heard the learned counsel for the
applicant.

2. On 6.12.2021, this court made the
following order :

"1. Heard.

*2. The learned Counsel for the respondent No.2
hands in a chart of calculations in terms of which
an amount of approximately Rs.45,00,000/- is
already deposited and a balance of Rs.1,61,456/-
is still due.*

*3. The learned Counsel for the petitioner/
contemptnor despite this position has states that
possibly more amounts are due.*

*4. Since, the Executive Engineer has admitted
that Rs.1,61,456/- is due, he should have either
paid the said amount or at least remain present
in this Court personally in response to the notice
for contempt, he has done neither.*

5. At the pleading of the learned Counsel for the Executive Engineer, the time is granted to the Executive Engineer to deposit the balance amount in this Court by 08.12.2021.

6. If, for any reasons such amount is not to be deposited, then, Mr. V. R. Choudhari, concerned Executive Engineer to remain personally present in this Court along with his reply. If the Court is not satisfied with the reply, then, this Court will consider whether even delay for deposit of Rs.45,00,000/- despite of clear direction for this Court was intentional.

7. Stand over to 08.12.2021.

8. At this stage, the learned Counsel for the Executive Engineer states that no formal contempt of notice issued to the Executive Engineer, if so notice is now issued to him, returnable on 08.12.2021.

9. All concerned to act on authenticated copy of this order.

10. The learned Counsel for the Executive Engineer states that telephonically he will communicate the Executive Engineer of this order forthwith.”

3. Today, Mr. Kasat, learned counsel for respondent no.2 makes a statement that the amount due is now deposited with the registry of this court in First Appeal No.509/2014. He submits that there can be no objection to the petitioner withdrawing the same amount.

4. Learned counsel for the petitioner submits that there is a shortfall in deposit.

5. Since there is already an execution filed, the issue about the shortfall can be agitated therein. However, there is no necessity to keep this contempt petition pending. Accordingly, the contempt petition is now disposed of, without prejudice to the rights of the applicant to seek an additional amount in the execution proceeding.

[M.S. SONAK, J.]

Gulande

ABHIMANYU
SHANKARRAO
GULANDE

Digitally signed by
ABHIMANYU
SHANKARRAO GULANDE
Date: 2021.12.10 11:00:01
+0530