

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

CP NO.193/2020 IN XOB NO.32/2012 [D] IN FA NO.1301/2009 [D]

[Sau. Pramila Bai w/o Madhukar Dhole .vs. Shri Ulhas P Debudwar and others]

CP NO.195/2020 IN XOB NO.53/2016 [D] IN FA NO.1157/2010 [D]

[Narsing Taora Jadhao .vs. Shri Ulhas P. Debudwar and others]

CP NO.201/2020 IN FA NO.782/2016 [D]

[Smt. Hirabai Vasantrao Neelay .vs. Shri Ulhas P. Debudwar and others]

CP NO.203/2020 IN FA NO.840/2016 [D]

[Ashish s/o Arun Nilawar .vs. Shri Ulhas P. Debudwar and others]

CP NO.202/2010 IN FA NO.781/2016 [D]

[Arun s/o Balkrushna Nilawar ad others .vs. Shri Ulhas P. Debudwar and others]

CP NO.197/2020 IN XOB NO.33/2012 [D] IN FA NO.1306/2009 [D]

[Rajiv s/o Vishwanath Nilawar .vs. Shri Ulhas P. Debudwar and others]

CP NO.199/2020 IN XOB NO.33/2014 [D] IN FA NO.1130/2010 [D]

[Surendra Uttamchand Dugad (Jain) and one .vs. Shri Ulhas P. Debudwar and others]

CP NO.194/2020 IN XOB NO.35/2016 [D] IN FA NO.1168/2010 [D]

[Vimal w/o Narsing Jadhao .vs. Shri Ulhas P. Debudwar and others]

CP NO.196/2020 IN XOB NO.34/2012 [D] IN FA NO.1353/2009 [D]

[Manohar Shriram Keshavwar .vs. Shri Ulhas P. Debudwar and others]

CP NO.198/2020 IN XOB NO.31/2012 [D] IN FA NO.724/2012 [D]

[Abhishek s/o Dilip Chintawar and others .vs. Shri Ulhas P. Debudwar and others]

CP NO.109/2021 IN XOB NO.61/2019 [D] IN FA NO.1071/2013 [D]

[Smt. Vijabai w/o Digambar Nilawar and others .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Mr M.M. Agnihotri, Advocate and Shri P.P. Deshmukh, Advocate for the
petitioners,
Shri M.A. Kadu, Assistant Government Pleader for the respondent-State.

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CORAM : M.S. SONAK, J.

DATED : DECEMBER 08, 2021.

Heard the learned counsel for the parties.

2. In all these contempt petitions the allegation is that the contemnors have failed to pay/deposit the awarded amount in terms of our

judgment and order dated 20.6.2019. The amount has to be deposited in this court within six months and liberty was then granted to the claimants to withdraw the same. It is pointed out that the amounts have ultimately been deposited after two years.

3. The learned AGP referred to the applications made in all these matters seeking permission to deposit the amount precisely because there was some unintentional lapse in the matters of deposit of such amount within the time granted by this Court. In the said applications, the reasons, as to why the deposit could not be made within the time prescribed. He submits that the applications were allowed by the court and ultimately the amounts together with interest have been deposited.

4. The learned counsel for the contemnors vehemently object to the statement that the interest has been paid. He submits that the interest has not been paid and even this constitute a contempt.

5. According to me, there is undoubtedly a delay in compliance with the directions issued by this court, however, from the record, it is difficult to conclude that such delay was either deliberate or with an intention to willful disobedience of order or directions made by this court. Unless this satisfied,

there is no question of invoking the contempt jurisdiction.

6. Now there is a dispute as to whether the entire interest amount has been paid or not, the liberty can always be granted and is hereby granted to the applicants to take out civil applications in the disposed of matters along with the proper conclusions demonstrating the deficit.

7. The learned AGP submits that if indeed there is some deficit, then the same will be made good within the time to be determined by this court. Thus, on account of such alleged deficit, there is no case made out to keep the contempt petitions pending. Such liberty is, however, expressly granted to the applicants.

8. The learned counsel for the contemnors submit that now leave may be granted to them to withdraw the amount deposited, without prejudice to their rights and contentions that there are still further amount remain to be deposited.

9. This court, in its judgment and order dated 20.6.2019, had already granted the applicants liberty to withdraw the amount as is clear from the last sentence of the said judgment and order. This request is not even opposed by the learned AGP. Accordingly, leave is

granted to the parties to withdraw the compensation amount in terms of the judgment and order dated 20.6.2019. The contempt petitions are disposed of with liberty and permission as aforesaid.

10. At the request of learned counsel for the parties, the Registry is directed to transfer the deposited amount to the bank accounts of the respective parties, that have already been furnished to the registry. Such transfers to be made in accord with the judgment and order dated 20.6.2019.

[M.S. SONAK, J.]

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