

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

CIVIL APPLICATION No.121/2021
IN
CONTEMPT PETITION NO.242/2021

Prakash s/o Ramvilas Chomval,
Vs.
Smt. Neema Arora

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

Court's or Judge's Orders

Shri C.A. Joshi, Advocate for petitioner.

CORAM : S.M. MODAK, J.
DATE : OCTOBER 12, 2021.

Heard.

2. The grievance is that learned Municipal Commissioner, Akola Municipal Corporation has not complied with the time limit of four months to be operative from 17/02/2018 fixed by learned Ad-hoc District Judge No.1, Akola in RCA No.101/2015. This appeal was preferred by Akola Municipal Corporation against the judgment passed by Civil Judge, Senior Division, Akola. The bill raised for arrears of house tax was declared illegal.

3. Though the petitioner was heard by concerned Municipal Commissioner, the objections were not decided in either manner. That is why there is a contempt of the order passed by learned Ad-hoc District Judge-1, Akola.

4. Originally this Contempt Petition is preferred against Smt. Neema Arora- Municipal Commissioner. In fact,

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the arguments of the petitioner was heard by the Municipal Commissioner deputed therein earlier to Smt. Neema Arora. There is a notice dated 02/07/2019 asking the petitioners and others to remain present for hearing on 04/07/2019. The letter dated 20/08/2021 sent by present petitioner mentions that on 04/07/2019 hearing was conducted but for more than two years order is not passed.

5. Prior to passing of any first order on this Contempt Petition, Smt. Neema Arora- the then Municipal Commissioner is transferred as Collector, Akola District, whereas Smt. Kavita Dwivedi is posted as Municipal Commissioner. That is why, Civil Application No.1011/2021 is filed.

6. It is true that the direction by the learned Ad-hoc District Judge is given to Commissioner and it is not in a personal capacity. So whoever may be the Commissioner, he has to follow that direction.

7. Hence the Civil Application is allowed. Smt. Kavita Dwivedi be joined as respondent no.2. The petitioner is also permitted to add the new address of respondent Neema Arora in the petition.

8. In view of that, notice be issued to both the respondents before admission returnable in the week starting from 22/11/2021.

The civil application is disposed of.

JUDGE