

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

Contempt Petition NO.305/2019
 (Manohar Thakur V Rahul Khadebharad 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 U.K. Bisen, Adv for petitioner.
 Shri S.S. Ghate, Adv for resp. no.3.
 Mrs. Shamsi Haider, AGP for resp. no.3-A.

CORAM : SMT. ANUJA PRABHUDESSAI, J
DATE : 15-01-2021.

It is stated that the sole petitioner has expired.

2. It is seen that the matter was disposed of before the Lok-Adalat as per the joint Pursis filed on 17-03-2019 under which respondent no.3 had undertaken to deposit Rs. 36 lac (Rupees Thirty Six Lac) on or before 29-04-2019 and on failure to make the payment within stipulated period respondent no.2 shall pay the entire decretal amount as per the judgment dated 17-11-2016.

3. It is not in dispute that respondent no.3 has deposited an amount of Rs. 36 lac (Rupees Thirty Six Lac), though, the same was not within the stipulated period. The petitioner has already filed execution proceeding for recovery of the balance amount as per the judgment and decree dated 17-11-2016. The question whether the petitioner or his legal representatives are entitled for balance amount shall be decided by the Executing Court.

4. *Prima facie*, there is no willful default. Hence, the Contempt Petition stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J)