

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 7670 OF 2021
IN
CONTEMPT PETITION NO. 825 OF 2018**

Syed Abeduddin Syed Bahuddin
and another

.. Applicants

Versus

Fatma Rafiq Zakaria and others

.. Respondents

Shri V. D. Hon, Senior Advocate i/by Shri A. V. Hon, Advocate for Applicants.

Shri A. N. Kakade, Advocate for the Respondent No. 2.

Shri V. R. Dhorde, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 18TH FEBRUARY, 2022.

FINAL ORDER :

. This is an application for bringing on record present Chairman of the institution. The erstwhile Chairman is no more.

2. Mr. Dhorde, the learned advocate for the proposed party respondent opposes the application on the ground that proposed party was not concerned when the order was passed in the writ petition. He cannot be made party in the present contempt petition.

3. As far as merits of the contentions are concerned, that will

be required to be considered in contempt petition. The erstwhile Chairman was a party to the writ petition. She is no more. Present Chairman is proposed to be added as party. The cognizance of contempt has yet to be taken by the Court. The proposed party will have every opportunity to put forth its stand before the contempt petition is considered on merits. The proposed party will have every opportunity to controvert the stand of the applicant.

4. It is not disputed that the proposed party is present Chairman of the institution and the erstwhile Chairman was party to the writ petition.

5. In view of all aforesaid facts, present civil application to the extent seeking permission to add non applicant No. 3 as party to the contempt proceeding is allowed. It is made clear that the new Chairman is only allowed to be added as party. Whether cognizance of the contempt is to be taken against present Chairman is to be considered on merits. The civil application is disposed of.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]