

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

994 CONT. PETITION NO.598 OF 2018
IN WP/3294/2005

GOUS MOHIYODDIN MOINODDIN
VERSUS
LAHURAJ MALI AND ANOTHER

...

Advocate for Petitioner : Mr. G.R. Syed
Advocate for respondent 1 : Mr. S.V. Kurundkar
AGP for Respondent/State : Mr. A.R. Kale

...

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

DATED : 20/01/2022.

PER COURT :

. Mr. G.R. Syed, learned counsel for petitioner submits that though the amount as directed by this Court under order dated 21st June 2017 in Writ Petition No. 3294/2005 is paid to the petitioner, however, the amount of interest is not paid. The Court though had not specifically directed the respondents to pay the amount of interest, however, the Court also did not say that interest is not payable. The respondent has wrongfully withheld the amount. In view of that, by way of natural consequence the petitioner would be entitled for the interest.

2. Mr. Kurundkar, learned advocate for respondent submits that as directed by this Court amount has been paid. The order of this

Court is complied with.

3. The contempt would be of a willful, deliberate, intentional and wanton act by the respondent in dishonouring order of the Court. This Court directed respondent No. 1 to pay arrears of pay and allowances to the petitioner as fixed in the order dated 10.5.2002 within a period of four months.

4. There is no dispute that as per the said direction, the amount has been paid by the respondent within time.

5. This Court under the order of which contempt is alleged never directed payment of interest. In view of that it cannot be said that the contempt of order of this Court is committed.

6. In view of that contempt petition stands disposed of. No costs.

[S.G. DIGE, J.]

[S.V. GANGAPURWALA, J.]

ssc/