

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 630 OF 2022

Ramchandra Maruti Gundal (Decd.)
through LR's Govind R. Gundal ... Petitioner

Vs.

Uttam Patil, the Deputy Collector
(Rehabilitation) & Ors. ... Respondents

WITH

CONTEMPT PETITION NO. 629 OF 2022

Vithoba Rambhau Wadhane (Decd.), through
LR's. Shankar Vithoba Wadhane ... Petitioner

Vs.

Uttam Patil, the Deputy Collector
(Rehabilitation) & Ors. ... Respondents

Ms. Kanchan C. Phatak for the Petitioners.

Mr. R.S. Pawar, AGP for the State.

**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 17 November 2022.

P.C.:

Heard learned counsel for the parties.

2. The Petitioners have alleged that the Respondents have committed contempt of order dated 24 April 2013 where certain time schedule was laid down for examination of petitioners' claim and consequential directions. In the communication attached to the petitions by the Petitioners, there is a reference to Petitioners' attending officer of the Deputy Collector as on 20 November 2018. Therefore,

when the petitions came up on board on 3 October 2022, a query was put to the Petitioners as to whether they remained present on 14 May 2013 before the Authority, which was the initiation of the methodology laid down. No such statement is made in the petition. In fact the representation referred to Petitioners remaining present on 20 November 2018 and at that time, learned counsel for the Petitioners had sought time to file additional affidavit to demonstrate how the Petitioners complied with their part of obligations. Till date no additional affidavit is being filed. This fact should have been mentioned in the petition. Thereafter, after giving opportunity atleast additional affidavit should have been filed. Therefore, we are not inclined to accept oral statement that the Petitioners remained present on 14 May 2013. If the Petitioners do not appears on time, then the Respondents cannot be proceeded against under the contempt jurisdiction for delay.

3. Learned AGP states that even otherwise, it is not that the proceedings have been abandoned and if Petitioners to supply necessary documents within a period of one week, that requisite procedure would be followed soon thereafter. Learned counsel for the Petitioners states that documents have been supplied and additional set would be given within a period of one week.

4. In light of this position, we dispose of the Contempt Petition.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)