

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

CONTEMPT APPEAL NO.03 OF 2022
IN
CONTEMPT PETITION NO.255 OF 2016

Vyankatrao Bhivramji Choudhari, Secretary Pratibha Shikshan Sanstha Borgaon (Wadegaon)
Tah. Tiroda, District Gondia, Maharashtra and anr.

-vs-

Ghanshyam Jagannath Meshram, Sahkar Nagar, Dist. Gondia

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

Court's or Judge's Orders.

Shri R. V. Gaikwad, Advocate for petitioner.

CORAM : A. S. CHANDURKAR AND SMT M. S. JAWALKAR, JJ.

DATE : April 04, 2022

Challenge in this appeal filed under Section 19 of the Contempt of Courts Act, 1971 is to the service of notice issued to the appellant as per Chapter XXXIV Form 1 of the Bombay High Court Appellate Side Rules, 1960.

It is submitted by Shri R. V. Gaikwad, learned counsel for the appellant that the contempt petition was filed beyond limitation. The order dated 22/09/2015 directed deposit of 50% back-wages within period of one month therefrom. The notice in the contempt petition was served on the appellant after the period of limitation. It is also submitted that part of the amount of back-wages has already been deposited.

We find that the aspect of limitation can be urged by the

appellant by appearing in Contempt Petition No.255/2016. Infact the appellant had earlier filed Contempt Appeal No.10/2016 raising similar questions. By keeping those questions open the said appeal was not entertained. We are inclined to follow a similar course. By keeping all questions open including the aspect of limitation for being urged by way of defence before the learned Single Judge and by keeping the points raised in the appeal open, the contempt appeal is not entertained. It is disposed of accordingly.

(Smt M. S. Jawalkar, J.)

(A. S. Chandurkar, J.)

Asmita