

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

CONTEMPT APPEAL NO.2/2016 IN
CONTEMPT PETITION/PROCEEDINGS NO.79/2015

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| 1] | Wasudeo Sitaramji Mahalle,
Aged 52 years,
Secretary, Shri Sudhakar Rao Gram Vikas Pratisthan,
Dangargaon, Tq. Ghatanji,
District Yavatmal. | .. <u>APPELLANTS/</u>
(ORIG.RESPONDENTS) |
| 2] | Nagorao Pundlikrao Chaudhari,
Aged 46 years,
Head Master, Vivekanand Junior College,
Pandurna (Bk), Tq. Ghatanji,
District Yavatmal. | |

...VERSUS...

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| 1] | Gajanan Laxmanrao Pechhe,
Aged 52 years,
R/o.Shivaji Nagar, Near Paropant,
Tq. Ner Parsopant, District Yavatmal. | .. <u>RESPONDENTS</u>
(ORIG.PETITIONER) |
| 2] | Shri Ram Pawar,
Deputy Director of Education,
Amravati Division, Amravati. | |
| 3] | S.V.Kulkarni,
Deputy Director of Education,
Amravati Division, Amravati. | |

Shri S.M.Vaishnav, Advocate for appellants.
 Shri V.A.Kothale, Advocate for respondent no.1.
 Mrs. S.S.Jachak, Assistant Government Pleader for respondent nos. 2 & 3.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.
THE ARGUMENTS WERE HEARD ON 8th December, 2021.
THE JUDGMENT IS PRONOUNCED ON 14th January, 2022.

JUDGMENT (PER A.S.CHANDURKAR, J.)

1. The order passed by the learned Single Judge on 11.01.2016 in Contempt Petition No.79/2015 thereby recording a *prima-facie* finding that the appellants were liable for action under Section 10 read with Section 12 of the Contempt of Courts Act, 1971 and also under Article 215 of the Constitution of India coupled with the further order of framing charges against the appellants is the subject matter of challenge in this contempt appeal filed under Section 19 of the Contempt of Courts Act, 1971 (for short, 'the Act of 1971').

2. Relevant facts leading to the filing of the present proceedings are that the respondent no.1 was engaged as a 'Junior College Teacher' that was being managed by Shri Sudhakar Rao Gram Vikas Pratisthan, Dangargaon of which the appellant no.1 is the Secretary. The respondent no.1 rendered services at Vivekanand Junior College of which the appellant no.2 is the Head Master. On 27.11.1998 the services of the respondent no.1 were terminated. This order of termination was challenged by filing an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, 'the Act of 1977'). The learned Presiding Officer of the School Tribunal by his judgment dated 07.02.2007 allowed the said appeal and after setting aside the order of termination, it was directed that the respondent no.1 be reinstated in service and also be paid back wages from 27.11.1998 till his reinstatement within a period of 60 days. This judgment of the School Tribunal was challenged by the Management and the Junior College in Writ Petition No.974/2007 which came to be dismissed summarily on 15.01.2008.

3. Since the judgment of the School Tribunal was not complied with, the respondent no.1 filed criminal complaint before the learned Judicial Magistrate First Class by invoking the provisions of Section 13 of the Act of 1977. The learned Magistrate by his order dated 05.07.2014 convicted the appellants for the offence punishable under Section 13 of the Act of 1977. They were sentenced to pay a fine of Rs.50,000/- each, in default to suffer simple imprisonment for a period of one month.

The respondent no.1 then approached the School Tribunal on 16.12.2014 raising a grievance that despite the judgment of the learned Magistrate on 05.07.2014, the appellants had refused to reinstate the respondent no.1 and pay him his back wages. These proceedings were stated to be under Section 13 of the Act of 1977.

4. The respondent no.1 thereafter on 03.03.2015 filed Contempt Petition No.79/2015 under Section 12 of the Act of 1971 read with Article 215 of the Constitution of India. After issuance of notice to the respondents therein, the learned Single Judge on 11.01.2016 took cognizance of the alleged contempt by admitting the contempt petition and framing charges against the appellants as to why they should not be punished for wilfully disobeying the judgment of the School Tribunal dated 07.02.2007. Being aggrieved by the aforesaid order the appellants have challenged the same in the present appeal. During the pendency of the appeal further proceedings in Contempt Petition No.79/2015 were stayed.

5. It is in the aforesaid backdrop that Shri S.M.Vaishnav learned counsel for the appellants submits that the learned Single Judge was not justified in taking

cognizance of the alleged non-compliance of the judgment of the School Tribunal dated 07.02.2007. As per that judgment the respondent no.1 was to be reinstated in service and his back wages were to be paid within a period of sixty days thereof. The respondent no.1 having invoked the jurisdiction in the context of non-compliance of the order passed by the School Tribunal had initiated proceedings under Section 13 of the Act of 1977 on 31.08.2008. In these proceedings the appellants had been convicted and thus it having been held that the appellants were guilty of the offence punishable under Section 13 of the Act of 1977, there was no occasion to file the present contempt petition on 03.03.2015. The fact that another application under Section 13 was filed by the respondent no.1 on 16.12.2014 and was pending when the present contempt proceedings were filed could not be ignored. In other words, the respondent no.1 having availed the mode of enforcement by initiating the proceedings under Section 13 of the Act of 1977 and the appellants having been punished under that provision, subsequent proceedings raising a same grievance were not maintainable merely because they were initiated under Section 12 of the Act of 1971 read with Article 215 of the Constitution of India.

It was then submitted that Contempt Petition No.79/2015 had been filed beyond the period of limitation that was prescribed by Section 20 of the Act of 1971. Under the said provision contempt proceedings could be initiated within a period of one year from such alleged non-compliance. The judgment of the School Tribunal having been delivered on 07.02.2007 and the writ petition challenging the same having been dismissed on 15.01.2008, it was clear that the cause of action for initiating contempt proceedings commenced from 07.02.2007 or for that matter

from 15.01.2008 and the period of one year expired on 15.01.2009. It was not permissible to invoke contempt jurisdiction after expiry of the period prescribed under Section 20 of the Act of 1971. Referring to paragraph 5 of the contempt petition filed by the respondent no.1, it was submitted that the cause of action was merely stated to be a continuing one which was not correct. On the refusal by the appellants to reinstate the respondent no.1 and to pay him back wages as directed, the cause of action for initiating the contempt proceedings was complete. Since the contempt petition was not filed within a period of one year from such initial non-compliance, the proceedings initiated by the respondent no.1 were barred by limitation and on this count no cognizance of the alleged contempt could have been taken by the learned Single Judge. This plea according to the learned counsel was specifically raised before the learned Single Judge by filing an affidavit and also by urging such contention. The same has however not been taken into consideration thus vitiating the manner in which cognizance of the alleged breach was taken. The learned counsel referred to the provisions of Section 29 of the Limitation Act, 1963 (for short, 'the Act of 1963') to submit that since the provisions of Section 20 of the Act of 1971 prescribe a different period of limitation for taking cognizance of any alleged breach, the application of the provisions of Sections 4 to 24 of the Act of 1963 stood impliedly excluded. When the aforesaid provisions were not applicable it would not be permissible to contend that the alleged disobedience was in the nature of a continuing wrong as contemplated by Section 23 of the Act of 1963 as said provision would not be applicable at all. The learned counsel strenuously urged that injury caused to the respondent no.1 was complete when the appellants refused to reinstate the respondent no. 1 in service. Similar was the case when the arrears of

salary were not paid. The contempt petition having been filed after almost eight years from the judgment of the School Tribunal, it was clear that the same was barred by limitation in view of Section 20 of the Act of 1971 and therefore no cognizance of the alleged contempt could be taken. In support of his aforesaid submissions the learned counsel placed reliance on the following decisions :

- 1.Mahendra Builders vs. Parvez Ghaswala and ors. 2006 (3) Mh.L.J.668
- 2.Rupali Shah and anr. Vs. Munesh Ralhan @ Ricky Ralhan and anr. 2009(3)Mh.L.J. 312.
- 3.Dineshbhai A.Parikh vs Kripalu Co-operative Housing Society, Nagarvel, Ahmedabad and ors. AIR 1980 Gujrat 194.
- 4.M/s.Earth Desingers(Designers) and Developers Private Limited, Mumbai vs. M.K.Pail. 2003 Cri.L.J. 3785.
5. Mohammad Salam Anamul Haque vs S.A.Azmi and ors. 2001 (1) Mh.L.J. 249.
- 6.Vilas Shankarrao Deshmukh and anr. vs. S.A.Ghode, Principal, Navprabhat Vidya Mandir and Junior College, Thanegaon and ors. 2001 (1) Mh.L.J. 261.
- 7.Shivaji Education Society vs. State of Maharashtra and ors. 2017(5) Mh.L.J.833.
8. Hukumdev Narain Yadav vs. Lalit Narain Mishra (1974) 2 SCC 133.
9. Union of India vs Popular Construction Co. (2001) 8 SCC 470.
- 10.Om Prakash Jaiswal vs.D.K.Mittal and anr. (2000) 3 SCC 171.
11. Pallav Sheth vs Custodian and ors. AIR 2001 SC 2763(1).
12. State of W.B. and ors. Kartick Chandra Das and ors. (1996) 5 SCC 342.
13. Balakrishna Savalram Pujari Waghmare and ors vs. Shree Dhyaneswar Maharaj Sansthan and ors. AIR 1959 SC 798.

6. Shri V.A.Kothale, learned counsel for the respondent no.1 opposed the aforesaid submissions and submitted that failure to reinstate the respondent no.1 in

service and pay back wages was a continuing wrong. Though the respondent no.1 had initiated proceedings under Section 13 of the Act of 1977, the same would not come in the way of respondent no.1 when he sought to invoke the contempt jurisdiction of this Court. He invited attention to the cause title of Contempt Petition No.79/2015 to urge that the same had been filed under Section 12 of the Act of 1971 read with Article 215 of the Constitution of India. Assuming that the provisions of Section 20 of the Act of 1971 were attracted, the same would not bar this Court from taking cognizance by invoking jurisdiction under Article 215 of the Constitution of India. It was further submitted that since there was no defence available to the appellants for such non-compliance, a technical defence of bar of limitation was being raised by the appellants. The charges having been framed against the appellants they were free to answer the same and bring home the fact that they were not guilty of wilful disobedience of the order passed by the School Tribunal as affirmed by this Court in Writ Petition No.974/2007. It was pointed out that the respondent no.1 was reinstated during the pendency of the appeal on 11.07.2016 but he had not been paid his back wages till date. Since this was a continuing wrong, there was no substance in the contention of the appellants that the contempt petition had been filed beyond the period of limitation. In support of aforesaid submissions, the learned counsel placed reliance on the following decisions:

1. Pallav Sheth vs Custodian and others (2001) 7 SCC 549.
2. Vilas Shankarrao Deshmukh and anr. vs. S.A.Ghode, Principal, Navprabhat Vidya Mandir and Junior College, Thanegaon and others 2001(1) Mh.L.J. 261.
3. Shaikh Badarunnisa Begum Shaikh Abbas vs State of Maharashtra and ors. 2004(2) Mh.L.J. 407.

7. We have heard the learned counsel for the parties at length and we have perused the material placed on record. We have given due consideration to the respective submissions as urged by the learned counsel. The order passed by the learned Single Judge framing charges against the appellants is principally challenged on two counts, namely that the contempt petition filed by the respondent no.1 was barred by time in view of the provisions of Section 20 of the Act of 1971 as it was filed on 03.03.2015 while the order of reinstatement with back wages was passed by the School Tribunal on 07.02.2007. The other ground of challenge is that in view of the provisions of Section 29(2) of the Act of 1963, there was no question of the provisions of Sections 4 to 24 of the Act of 1963 being applied while determining the period of limitation for filing the contempt petition since Section 20 of the Act of 1971 prescribes a different period of limitation. In other words, though provisions of Section 22 of the Act of 1963 recognise the right to initiate proceedings in cases where there is a continuing cause of action, since the applicability of that provision stands excluded in view of Section 29(2) of the Act of 1963, the respondent no.1 would not be entitled to contend that there was a continuing wrong/cause of action so as to save the period of limitation.

8. As per provisions of Section 20 of the Act of 1971, no Court can initiate any proceedings for contempt either on its own motion or otherwise after the expiry of the period of one year from the date of on which the

contempt is alleged to have been committed. According to the respondent no.1 since the provisions of Article 215 of the Constitution of India had been invoked alongwith the provisions of Sections 10 and 12 of the Act of 1971 while filing the contempt petition, the provisions of Section 20 of the Act of 1971 could not act as a fetter on the power and jurisdiction of this Court to take cognizance of the alleged contempt even if the contempt proceedings were filed beyond the period of one year as stipulated. On the other hand according to the appellants, the proceedings for contempt have to be initiated within a period of one year from the date on which the contempt is alleged to have been committed irrespective of the fact that such proceedings are filed/cognizance is taken under Article 215 of the Constitution of India or under Sections 10 and 12 of the Act of 1971. It is not necessary to labour much on this aspect in view of the decision of the Honourable Supreme Court in *Pallav Seth* (supra). It has been held therein by the Honourable Supreme Court that though the Supreme Court and the High Courts are courts of record and are conferred with powers to punish for contempt, any provision of law that provides for the quantum of punishment or for a period of limitation for initiating contempt proceedings cannot be said to be provisions that abrogate or stultify the contempt jurisdiction under Article 129 or Article 215 of the Constitution of India. In other words, the provisions of Section 20 of the Act of 1971 ought to be considered while initiating such action even if powers under Article 215 of the Contitution of India are invoked. In the aforesaid

decision the Honourable Supreme Court referred to its earlier decision in *Kartick Chandra Das and ors.* (supra) while holding that the provisions of Sections 4 to 24 of Act of 1963 were applicable to proceedings under the Act of 1971 after considering the provisions of Section 29(2) of the Act of 1963. The Court then proceeded to apply the provisions of Section 17 of the Act of 1963 in the facts of the case. However, the aspect as regards continuing wrong or contempt so as not to bar action for contempt in view of Section 20 of the Act of 1971 was not examined and was kept open. The aforesaid decision therefore is a clear answer to the contention raised by the learned counsel for the appellants with regard to non-applicability of the provisions of the Act of 1963 while considering the aspect of limitation under Section 20 of the Act of 1971. It is clear that by virtue of the aforesaid decision as well as the law as laid down in *Kartick Chandra Das and ors.* (supra) the provisions of Sections 4 to 24 of the Act of 1963 would be applicable to proceedings under the Act of 1971.

9. Once it is found that the provisions of the Act of 1963 can be applied to proceedings under the Act of 1971, the applicability of the provisions of Section 22 of the Act of 1963 would have to be considered. As per provisions of Section 22 of the Act of 1963 in the case of a continuing breach of contract or in the case of a continuing tort a fresh period of limitation begins to run at every moment of time during which the breach or

tort as the case may be continues. In *Balkrishna Savalram Pujari* (supra) the Honourable Supreme Court while considering the provision of Section 23 of the Limitation Act, 1908 which provision is analogous to Section 22 of the Act of 1963 considered the aspect of “continuing wrong”. In paragraph 31 of the aforesaid decision it has been observed as under:

“31. In dealing with this argument it is necessary to bear in mind that Section 23 refers not to a continuing right but to a continuing wrong. It is the very essence of a continuing wrong that it is an act which creates a continuing source of injury and renders the doer of the act responsible and liable for the continuance of the said injury. If the wrongful act causes an injury which is complete, there is no continuing wrong even though the damage resulting from the act may continue. If, however, a wrongful act is of such a character that the injury caused by it itself continues, then the act constitutes a continuing wrong. In this connection it is necessary to draw a distinction between the injury caused by the wrongful act and what may be described as the effect of the said injury. It is only in regard to acts which can be properly characterised as continuing wrongs that Section 23 can be invoked.”..... (emphasis supplied)

From the aforesaid it can be seen that if a wrongful act is of such a character that the injury caused by it itself continues then such wrongful act constitutes a continuing wrong.

10. In *Maimoona Khatun and anr. vs. State of U.P. and anr. AIR 1980 SC 1773* the Hon’ble Supreme Court considered the starting point of limitation under Article 102 of the Limitation Act, 1908 which provides period of limitation of three years for recovery of wages when the same become due.

Article 7 of the Act of 1963 is its analogous Article. The question as regards when the right to claim wages would accrue and whether the period of three years was to be reckoned from the date of the suit or the date of reinstatement was considered in the backdrop of an order of dismissal from service followed by the same being set aside with a direction of reinstatement. After considering various earlier decisions, it was held in paragraph 22 as under:

“22. For these reasons, therefore, we are clearly of the opinion that in cases where an employee is dismissed or removed from service and is reinstated either by the appointing authority or by virtue of the order of dismissal or removal being set aside by a Civil Court, the starting point of limitation would be not the date of the order of dismissal or removal but the date when the right actually accrues, that is to say, the date of the reinstatement, by the appointing authority where no suit is filed or the date of the decree where a suit is filed and decreed.”....

11. On the aspect of continuing wrong vis-a-vis Section 20 of the Act of 1971, it is necessary to refer to the decision of the Division Bench in ***Harshawardhan Bandivadekar vs. Taramati Harischandra Ghanekar and others 2009 (1) Bom CR 179***. The facts therein indicate that a partner of a firm gave an undertaking in Court that a building would be constructed and possession would be handed over to the slum dwellers within a period of twenty-four months. The possession was not handed over by 18.06.2004 when the period of twenty-four months came to an end. On 06.11.2006 the slum dwellers filed contempt petition alleging breach of the undertaking. On

07.12.2006 the partner of the firm sought extension of time to comply with the initial order dated 18.06.2002 by which the undertaking was accepted. The slum dwellers then moved an application on 30.03.2007 seeking condonation of delay in filing the contempt petition. The partner in the meanwhile gave a fresh undertaking for completing the work in question. The learned Single Judge condoned the delay of two years and five months in filing the contempt petition. In the appeal preferred by the partner challenging the order condoning delay the Court considered the question as to whether there was a continuing wrong and hence no delay in filing the contempt petition. The Division Bench held that after the initial undertaking was accepted by the Court on 18.06.2002 the partner had sought extension of time on 07.12.2006 for complying with the same. The partner by his own conduct accepted the non-compliance as a continuing wrong. It was thus held that there was infact no delay after which the appeal was dismissed.

From the aforesaid it can be seen that though the contempt petition was filed after more than two years of the expiry of the period in the undertaking, by subsequent conduct of the alleged contemnor it was found that there was a continuing wrong and hence no question of delay arose.

12. The judgment of the School Tribunal dated 07.02.2007 directs reinstatement of the respondent no.1 on the post of 'Junior College Teacher' after setting aside the order of termination dated 27.11.1998. That order

further directs the appellants to pay back wages from 27.11.1998 till the date of reinstatement and the said order was to be complied within a period of 60 days. There was also a direction to pay future salary to the respondent no.1 after his reinstatement. From the aforesaid order passed by the School Tribunal, it becomes evidently clear that the respondent no.1 was entitled to be reinstated in service and till he was so reinstated, he was entitled to receive back wages. In other words, unless the respondent no.1 was reinstated on the post of 'Junior College Teacher', the liability to pay him back wages continued. In other words, the right to receive back wages was a continuing right of the respondent no.1 which right accrued every day till his reinstatement. Such right to receive back wages would have crystallised only on the reinstatement of the respondent no.1. According to the appellants since this order was to be complied with within a period of 60 days and that period having expired, the respondent no.1 ought to have initiated contempt proceedings within a period of one year on expiry of 60 days from the decision of the School Tribunal. We do not find merit in this submission for the reason that the order of the School Tribunal cannot be read in the manner so as to defeat the right of reinstatement of the employee on the expiry of period of 60 days given for implementing that order. The direction was to reinstate the respondent no.1 and also pay him back wages till such reinstatement. It is an admitted position that the appellants challenged the judgment of the School Tribunal before this Court and the writ petition preferred by them was dismissed on

15.01.2008. The right to be reinstated in service and receive back wages till reinstatement would not stand extinguished on the expiry of the period mentioned in the order directing its compliance. On the contrary since back wages were directed to be paid till the date of reinstatement, the wrong committed by the appellants by failing to reinstate the respondent no.1 and comply with the directions of the School Tribunal of paying back wages till reinstatement would be in the nature of a 'continuing wrong'. Useful reference in this regard can be made to the decision of the Hon'ble Supreme Court in ***Firm Ganpat Ram Rajkumar vs. Kalu Ram and others AIR 1989 SC 2285*** wherein it was held that failure to comply with the order directing handing over of possession was a continuing wrong and there was no scope for application of Section 20 of the Act of 1971. In ***Union of India and others vs. Tarsem Singh (2008) 8 SCC 648*** the concept of continuing wrong and recurring/successive wrongs in the context of service law disputes has been considered by the Hon'ble Supreme Court. The right to be reinstated and receive back wages till that date would thus not be defeated nor would failure to comply with such directions absolve the employer from the threat of contempt. Since the respondent no. 1 was not reinstated till the filing of the contempt petition on 03.03.2015 nor was he paid back wages to which he was entitled, it was permissible for the respondent no.1 to make a grievance that non-compliance of the order passed by the School Tribunal and affirmed by this Court was a continuing wrong by initiating contempt proceedings. The

decisions in *Mahendra Builders and Rupali Shah* (supra) are clearly distinguishable as the aspect of continuing wrong did not arise for consideration therein.

13. The conduct of the appellants of reinstating the respondent no.1 voluntarily on 04.07.2016 in the contempt appeal without reserving the right to challenge the initiation of the contempt proceedings as being barred by limitation in fact precludes and estops the appellants from raising a challenge based on Section 20 of the Act of 1971. It is true that Contempt Petition No.79/2015 was filed by the respondent no.1 on 03.03.2015. On 11.01.2016 the learned Single Judge took the cognizance of the alleged contempt by admitting the proceedings and framing charges against the appellants. The appellants being aggrieved by that order filed the present appeal on 04.07.2016. When this appeal was admitted, the following order was passed:

“Heard.

ADMIT.

Shri Vaishnav, the learned Counsel for the appellants states, on instructions, that the appellants are willing to reinstate the respondent no.1 in service, subject to the result of the appeal filed by the employee, who was appointed in in the place of the respondent no.1, after his termination. It is stated that the respondent no.1 would be reinstated within one week.

The learned Counsel for the respondent no.1 states that the respondent is willing to join the duties and would join the duties.

We accept the statements made on behalf of the parties and permit the respondent no.1 to join the duties, as recorded herein above, at this stage.”

Perusal of this order indicates that the appellants on their own volition despite admission of their appeal proceeded to reinstate the respondent no.1 in service. Such reinstatement was only subject to result of an appeal filed by another employee who was appointed in place of the respondent no.1 after his termination which has nothing to do with the present dispute. The right to agitate the ground that Contempt Petition No.79/2015 was filed beyond limitation was not reserved while reinstating the respondent no.1 in service. The services of the respondent no.1 were reinstated on 11.07.2016. As the order passed by the School Tribunal had attained finality, the respondent no.1 became entitled to back wages from 27.11.1998 to 10.07.2016 and for regular salary from 11.07.2016 on account of his reinstatement. This act of the appellants thus conferred a right on the respondent no.1 to receive back wages till 10.07.2016 which is after filing of the Contempt Petition. Having unconditionally reinstated the respondent no.1 in service despite contending that the contempt proceedings initiated by the respondent no.1 were barred by limitation, it would not now be permissible for the appellants to urge that the contempt petition was filed beyond limitation. It was open for the appellants to have reserved their right of agitating the question of limitation and reinstating the respondent no.1 without prejudice to the same. This was

not done and hence the appellants are now estopped by their conduct from raising the question of limitation. In any event since back wages have not been paid for the period from 27.11.1998 to 10.07.2016 even till this date, it is clear that this grievance as regards such non-compliance can be considered in the contempt petition that was filed on 03.03.2015.

14. Thus having considered the challenge as raised by the appellants to the order passed by the learned Single Judge recording a *prima facie* finding that the appellants were liable for action in contempt jurisdiction and thus framing charges against them does not deserve to be interfered with. Having found that failure to reinstate the respondent no.1 in service and pay him back wages till 10.07.2016 on which date the services of the respondent no.1 were reinstated, the contempt petition would have to be adjudicated on merits. Since that contempt petition is pending, we do not find it necessary to enter into the merits of the defence raised in that regard and hence we have not examined the other decisions relied upon by the learned counsel for the appellants in that context. It would be open for the appellants to raise all permissible defences available to them before the learned Single Judge except the defence based on Section 20 of the Act of 1971. With the aforesaid clarification, Contempt Petition No.79/2015 shall now be adjudicated on its own merits in accordance with law.

Contempt Appeal No.2/2016 stands dismissed leaving the parties to bear their own costs.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)

Andurkar..