

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CONTEMPT PETITION NO. 569 OF 2022

Prakash Anant Valame,
Chairman, Ashwini C.H.S. Ltd. ... Petitioner.
V/s.
Vishnu Devidasrao Nimbalkar & others. ... Respondents.

Mr.Arjun Kadam for the Petitioner.
Ms.Naina P. Boraste i/b. Mr.G.R.Agrawal for Respondent No.2.

SANJAY
KASHINATH
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CORAM : **NITIN JAMDAR, AND
SANDEEP V. MARNE, JJ.**

DATE : **31 July 2023.**

P.C. :

Heard the learned counsel for the Petitioner and the
learned counsel for Respondent No.2.

2. The Petitioner has sought a direction to take action
under the Contempt of Courts Act, 1971 and Article 215 of the
Constitution of India and for direction to Respondent No.2 to take
action against Respondent No.1 in light of the complaint filed by the
Petitioner.

3. The Respondent No.1 is the District and Session Judge,
Vadgaon, Maval, Pune. Respondent No.2 is the Registrar
(Vigilance), High Court of Judicature at Bombay.

4. The Petitioner is a representative of Defendant No.1 in Special Civil Suit No.514/1996. This suit was dismissed by order dated 7 October 2019 against which an appeal was filed. An objection was raised in the appeal that it is filed in the name of a dead person. The application raising the objection was allowed and the appeal was dismissed by order dated 21 June 2022 by the concerned District Judge, granting liberty to file a fresh appeal. According to the Petitioner, the concerned District Judge has passed an erroneous order contrary to the binding precedents and, therefore, has committed a contempt.

5. As regards the complaint on the administrative side, the learned counsel for the Petitioner informs that the complaint is closed.

6. The order passed by the learned District Judge is a detailed order running into more than twenty pages. The learned Judge has referred to various decisions cited by the parties and thereafter has taken a view, which according to the learned Judge is proper. This is a judicial order and if the Petitioner is aggrieved by the same, the Petitioner has his remedy open.

7. In the above circumstances, we decline to exercise the powers under the Contempt of Courts Act and Article 215 of the Constitution of India. Petition is accordingly dismissed.

(SANDEEP V. MARNE, J.)

(NITIN JAMDAR, J.)