

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**Civil Application (CAN) NO.26 of 2021 In
Contempt Petition No.157 of 2017 (D)
In WP No.3887 of 2008**

Utkranti Mandal, Jarud

VS

Pratap Singh Vitthalsingh Belade and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Radhika Raskar, Advocate for the applicant

Mr. S.R. Charpe, Advocate for non-applicant No.1

CORAM : ANIL S. KILOR, J.

DATE : 13th March 2023

1. Heard.
2. This is an application for recall of paragraph 7 of the order dated 06.01.2020 passed by this Court, whereby interest has been awarded on the amount payable to the contempt petitioner, by the management.
3. Admittedly, in the contempt petition, there was no prayer made by the contempt petitioner for grant of interest over the amount payable to him and further admittedly, before directing the management to pay the interest, no notice or opportunity was given to the management to submit its explanation.
4. Moreover, considering the scope of contempt jurisdiction, any substantive relief which was not prayed, cannot be granted first time in the contempt jurisdiction and that too without any notice or opportunity of being heard, to the party against whom

the Court is intending to pass such order. Accordingly, I pass the following order:

- (i) The the application is **allowed**.
- (ii) The order, directing to pay interest by management to the contempt petitioner in paragraph 7 of the order dated 06.01.2020, is hereby recalled.
- (iii) It is needless to mention here that, the right of the contempt petitioner to receive interest amount payable by management, if any has not been adjudicated and the said issue is kept open.

The application is **disposed of**.

[ANIL S. KILOR, J.]