



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(This order is corrected vide Speaking to Minutes order dated 14.08.2024 and appearance of Advocate Mr. V.H. Dighe for respondent No.3 is taken.)

929 CONTEMPT PETITION NO.1 OF 2024
IN WP/13895/2021

SAVITA DEVIDAS KHEDKAR
VERSUS
GANESH BAPURAO KHEDKAR AND OTHERS

...

Mr. K.J. Suryawanshi, Advocate for petitioner

Mr. K.B. Jadhavar, AGP for respondent/State

Mr. V.H. Dighe, Advocate for respondent No.3

...

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 02nd AUGUST, 2024

ORDER :

1 In pursuance of notice issued by this Court on 05.07.2024, reply is filed on behalf of respondent No.2. Paragraph Nos.13 to 15 of reply states as under :

“13. I say and submit that the petitioner has annexed the copy of application dated 30.05.2022 which is at page No.33 to the contempt proceedings. The said application was submitted to Inward section. I say and submit that on the date of hearing i.e. on 19.07.2022 the petitioner has informed about the stay granted by this Hon’ble High Court on 19.07.2022. Accordingly, the deponent has stayed the said proceedings. I say and submit

that as soon as the deponent got the knowledge about the interim order passed by this Hon'ble High Court, the deponent has stayed both the proceedings.

14. I say and submit that therefore, main contention of the petitioner that by issuing notice dated 16.06.2022 which is at page No.35 to the contempt proceedings, the respondent have committed the disobedience of the order of this Hon'ble High Court. I say and submit that the said notice dated 16.06.2022 is issued pursuant to the Recovery Certificate bearing No.2/2020 in which the husband of the petitioner is the Borrower and the petitioner is the Guarantor. I say and submit that if the said notice dated 16.06.2022 is perused, in the said notice, after name of petitioner, in bracket it is specifically mentioned as Guarantor. I say and submit that, in the said notice, the recoverable due amount was Rs.12,01,950/-. I say and submit that and the notice annexed at page No.32 dated 29.03.2022 is pursuant to the Recovery Certificate No.3/2020. I say and submit that however, it is necessary to mention that in the said notice dated 16.06.2022 which is at page No.35, in reference No.2, the outward number of letter dated 29.03.2022 is wrongly shows as 241 instead 2240.

15. I say and submit that in view of the statement made hereinabove, it is very much clear that the notice dated 16.06.2022 which the petitioner is relying for contempt is on another proceedings which is not subject matter of the present petition. Even though as soon as, the deponent get knowledge about the interim order passed by this Hon'ble Court, the deponent has stayed both the proceedings.”

2 In view of this statement it is clear that both proceedings are stayed and no steps are taken further. In light of aforesaid submissions and statements on oath, contempt petition stands disposed of.

3 Respondent No.3 is personally present and tendered affidavit, which is taken on record. In view of disposal of contempt petition her presence is dispensed with.

(S.G. CHAPALGAONKAR)
JUDGE

agd