Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 24 OF 2024
IN
WRIT PETITION NO. 1869 OF 2022 (F)

SUNNY S. KAMAT PANJIKAR ... PETITIONER

Versus

KASHYAP KHANDEPARKAR ... RESPONDENT

****

Mr. Deep. D. Shirodkar, Advocate for the Petitioner.

CORAM: BHARAT P. DESHPANDE, J.

DATED: 25th JULY 2024

P.C.

1. Leave granted to amend the cause title by adding/correcting the address of the Respondent and also to add the present Manager by his name, who is now serving as a Branch Manager of the concerned Branch at Ponda. Necessary amendment to be carried out on or before 29.07.2024.

2. Heard Mr. Shirodkar for the Petitioner.

3. Vide order dated 12.10.2022 passed in Writ Petition No. 1869 of 2022 (F), an order was passed to adjust the amount of Rs.2,66,951/- toward the gold loan account, whereas the additional amount of Rs.1,50,000/- which the Petitioner was supposed to deposit was to be adjusted towards other loan account. The operative part and more particularly, paragraph 9 of the above judgment reads thus:

> *"(a) The petitioner shall deposit with the respondent an amount Rs.1,50,000/- in three equal monthly installments of Rs.50,000/-, which can be adjusted to any of the other loan accounts of the petitioner.*
>
> *(b) The respondent on receipt of Rs.1,50,000/- shall release the pledged gold in favour of the petitioner.*
>
> *(c) Rs.2,66,951/- as deposited in this Court along with accrued interest, if any, shall be permitted to be withdrawn by the respondent. The office to do the needful within one week from the day a copy of this order is submitted on behalf of the respondent.*
>
> *(d) On receipt of Rs.2,66,951/- by the respondent, the gold loan account of the petitioner shall stand closed. However, the gold ornaments shall be released to the petitioner only after Rs.1,50,000/- as aforesaid is received by the respondent-Bank.*
>
> *(e) All issues between the parties on any other loans are expressly kept open.*
>
> *(f) Needless to observe that it will be open to the petitioner to pay the entire amount at an early date. In the event such amount is paid, the above directions in regard to the installments shall stand*

modified in the consequence as set out in the early part of the order which shall entail to the benefit of the petitioner."

4. Mr. Shirodkar now submits that on receipt of Rs.2,66,951/-, the Respondent was supposed to close the gold loan account, however, the statement of account clearly shows that the Respondent is charging further amount for the said loan account and though, the Respondent closed such account, adjusted the additional amount of Rs.1,50,000/- deposited by the Petitioner over and above Rs.2,66,951/- instead of adjusting it in the other loan account.

5. Mr. Shirodkar submits that this is in violation of the orders passed by this Court and more particularly, paragraph 9(d) as quoted above. He submits that the Applicant had issued notice to the Respondent to carry out the corrections, however, there is no response.

6. Issue notice to the Respondent, returnable on 16.08.2024.

BHARAT P. DESHPANDE, J.

Signed by: ESHA SAINATH VAIGANKAR
Designation: Personal Assistant
Date: 26/07/2024 18:40:58