

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Contempt Petition No.413 of 2024

In

Writ Petition No.4902 of 2012

Mr. Suresh Narsappa Sargam ... Petitioner.
V/s.
The State of Maharashtra and others ... Respondents.

Mr. Shrikant Kampoli i/b. Dr. Ramdas Sabban for the Petitioner.

Mr. S.H.Kankal, AGP for Respondent Nos.1 and 2 – State.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 05 August 2024.

P.C. :

This contempt Petition is filed alleging non-compliance of the order passed by the Division Bench of this Court on 21 November 2012. The learned AGP states that the contempt petition is barred by limitation and, therefore, should not be entertained. The order is passed by the Division Bench exercising jurisdiction under Article 226, therefore, Article 215 of the Constitution of India would apply. However, the Petitioner is moving this Court for contempt after 12 years of the order. The first notice of non-compliance is given in the year 2024. The Court, before proceeding further in contempt jurisdiction, also has to consider whether the Petitioner himself has

acquiesced to the state of affairs leading the Respondents to believe that the Petitioner is not interested in the implementation of the order. To dispel this facet, there should be pleadings as to the delay. Even the copy of the writ petition is not annexed to show that Petitioner was one of the Petitioners therein.

2. In these circumstances, we are not inclined to invoke the contempt jurisdiction. If the Petitioner has any substantive right, remedies are kept open. The contempt petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)