

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CONTEMPT PETITION NO. 394 OF 2024****IN****CIVIL REVISION APPLICATION NO. 81 OF 2022**

Sanjay Shankarrao Ruppal

... Petitioner

Versus

State of Maharashtra

... Respondent

.....

Mr. Shankar S. Dharne, Party in person present.

CORAM : R. M. JOSHI, J.**DATED : 6th AUGUST, 2024.****P.C. :**

1. This Petition seeks action against the Judicial Officers i.e. Civil Judge Senior Division, Solapur (C.J.S.D.) and District Judge-1, Solapur for action under the Contempt of Courts Act.

2. Petitioner is applicant in Civil Revision Application No. 81 of 2022. The said application was filed taking exception to the refusal of the Trial Court to register the suit filed by the applicant before the said Court. This Court by order dated 15.06.2022 allowed the Revision and directed the Trial Court to decide objection raised by the Registrar of the Court as expeditiously and in any event within two weeks.

3. It is the case of the petitioner that he sought hearing of the suit on the issue of jurisdiction. The learned counsel for the respondent therein

refused to argue the said issue as preliminary issue and requested the learned Trial Court to hear the same at final hearing of the suit or if defendant files any application under Order 7 Rule 11 of the Civil Procedure Code (for short “**C.P.C.**”).

4. On 22.07.2022, order came to be passed by the learned Trial Court “Suit be registered as R.C.S.” The grievance is made by the applicant with regard to the said order contending that it is not in compliance of the order passed by this Court. It is also claimed that this amounts to refusal to adjudicate the issue as directed by this Court. It further appears that an application was filed on 04.08.2022 under Section 151 of C.P.C., which was rejected by order dated 12.10.2022, so also review sought thereof by order dated 11.11.2022. It is thereafter a Civil Appeal (Stamp) No. 3133 of 2022 was filed before the District Court for setting aside the orders dated 22.07.2022 and 24.08.2022 passed by Civil Judge Senior Division. Applicant also sought a reference bearing No. 4436 of 2022 to High Court for contempt of court. The said request was not considered by the District Judge. In view of these facts, an action is sought against both C.J.S.D., Solapur as well as District Judge-1, Solapur under the Contempt of Courts Act.

5. Party in person who is the constituted attorney of original plaintiff was heard in person for about 35 minutes. Though he was not able to

comprehend many of the queries raised by this Court, however, taking into account fact that he appears in person, latitude was given to him. It is his main contention that the learned Trial Court has committed contempt of court by not complying the order in C.R.A. No. 81 of 2022. It is his submission that Trial Court was directed to decide issue of jurisdiction within a period of two weeks and having not being so done so it amounts to contempt. He also claimed that since District Judge has not referred the contempt proceedings of this Court as well as has not set aside the orders passed by the Trial Court, he also said to have committed contempt.

6. Perused petition.

7. In order to appreciate the submission made on behalf of the petitioner, it is necessary to take note of the exact order passed by this Court in C.R.A. No. 81 of 2022 which reads thus :

“Trial Court is requested to decide the objections raised by Registrar of the Court as expeditiously and in any event within two weeks.”

This order came to be passed in the light of grievance made by the petitioner that suit filed by him is not being registered before the Trial Court. It is in this context, a direction was issued for expeditiously deciding the objections raised by the Registrar of the said Court within a period of two weeks. Meaning thereby it was expected that objection to registration of suit be decided. There is no dispute about the fact that the Trial Court has passed order directing registration of suit as Regular Civil Suit. It is

thus clear from this order that the objection raised by the Registrar for registration of suit has been overruled and Registry is directed to register suit. Thus, there is compliance of the order of this Court by C.J.S.D. in letter and spirit.

8. It seems that the petitioner had filed applications before the Trial Court for hearing of the suit on the point of jurisdiction and the same was opposed by the defendants contending that unless an application is filed under Order 7 Rule 11 of C.P.C., such issue cannot be determined and in any case the same can be decided at the time of final hearing of the suit. The said contention of the defendants seems to be accepted by the learned Trial Court. This order being a Judicial order, by no stretch of imagination can be called an contempt of court of this Court, nor it appears so.

9. Moreover, the petitioner seems to be in habit of making applications one after another before the Trial Court calling upon it to pass orders. The orders of rejection of the application filed on 04.08.2022 was sought to be reviewed unsuccessfully. These orders were challenged before the District Court wherein the learned District Judge -1 did not cause any interference therein.

10. It is the contention of the petitioner that the learned District Judge ought to have referred the contempt proceedings to this Court and as the same not being done that Court is said to have committed contempt of

court, also does not deserve acceptance, as even prima facie no contempt of order of this Court or any other order/judgment is seem to have been committed by both learned Judicial Officers.

11. The law on the contempt of order of the court is fairly settled to say that there has to be willful disobedience of the order of the Court in order to context constitute as contempt of court. The order passed by the Trial Court as well as the District Court are in the exercise of the judicial discretion and the same can by no stretch of imagination be called as contemptuous. Having regard to the facts and circumstances of the case, this Court is of view that the present petition filed by petitioner is abuse of process of Court. Once orders are passed on judicial side, it may be open for the petitioner to take exception thereto as provided by law. He however cannot be allowed to initiate contempt proceedings.

12. This Court, therefore, finds no merit in the Petition. This Court would have been justified to dismiss the petition by imposing heavy cost, however in view of the fact that the original plaintiff is said to be a physically challenged person and as such this Court refrains from imposing any cost. Petitioner however is cautioned that in future any abuse of process of law is found from him, no such concession would be given.

13. In view of above, petition stands dismissed.

(R. M. JOSHI, J.)