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

CONTEMPT PETITION NO. 597 OF 2022

Jijabhau D. @ Devram Burud & Ors.

... Petitioners

Versus

Dr.Rajesh Deshmukh & Ors.

... Respondents

None for the Petitioners

Later on:

Mr.Ajinkya Udane i/b Mr.Suryajeet P. Chavan for the Petitioners

Mrs.P.J.Gavhane, A.G.P. for the State

**CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.**
DATED: 3 January, 2024

P.C.

1. None for the Petitioners. Dismissed for want of prosecution.
2. Later on, the learned counsel for the Petitioners appeared in the second session and at his request, the proceedings are restored to the file of this Court.
3. We have heard the learned counsel for the Petitioners and the learned A.G.P. for the Respondents.
4. The contempt as alleged in this Petition, is of an Order dated 5th November 2019, whereby this Court had disposed of a batch of Petitions, in which the Petitioners' case was one of the Writ Petitions, being Writ Petition (St.) No.16096 of 2019. The Division Bench disposed of the said Petition in terms of the directions as stated in paragraphs 2(i) and 2(vi).
5. We find from such directions that there was a positive obligation on the part of the Petitioners, as set out in direction (ii), which is to the effect that the Petitioners were required to appear before the Deputy Collector

(Resettlement), Pune on 28th January, 2019 and produce necessary documents along with their representation claiming benefits. It was observed that, in the event of any request being made by the Petitioners for grant of time to enable the Petitioners to furnish documents, it would be open for the Deputy Collector to grant further time after considering their Representations, together with the necessary documents.

6. Considering such directions of this Court, we do not find any averments in the Contempt Petition that the Petitioners had discharged their obligations as directed by Court. Thus, in our opinion, *per se* the present Contempt Petition appears to be an abuse of the process of law.

7. We are quite pained to note that reply affidavit filed on behalf of the Respondents by Mr.Ajay More Additional Collector, Pune was required to be filed responding to such untenable petition.

8. Be that as it may, in paragraph 4, the deponent has stated that the District Rehabilitation Officer had issued notice to the Petitioners on 24th May, 2022 to remain present for a hearing on 6th June, 2022 and submit the required documents to examine and decide their Application. The Petitioners had sought extension of time to submit the documents. However, the Petitioners never submitted the documents, and, for such reasons the petitioners' application was not decided.

9. In the above circumstances, in our opinion, no case to proceed in the contempt jurisdiction is made out by the Petitioner.

10. Contempt Petition is thoroughly misconceived. It is accordingly dismissed. We refrain from imposing costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)