



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Contempt Petition No.130/2019 in Writ Petition No.6613/2016

Thawardas Lalwani V Smt. Chandrabhaga and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. Anilkumar, Adv for petitioner.

Mrs. A.R. Taiwade, Adv for respondent no.1 to 4.

CORAM : R.M. Joshi, J.

DATE : 15-07-2025.

At the outset the learned Counsel for the respondent nos. 1 to 3 on instructions from respondent nos. 1 to 3 makes a statement that the petitioner be permitted to withdraw Rs.06 Lakhs (rupees Six Lakhs only) in view of order dated 15-07-2022 passed in Civil Application (N) No.77/2022. In view of this, petitioner is permitted to withdraw the said amount alongwith the interest accrued thereon.

2. This Court by order dated 04-07-2025 has held that the respondent no. 1 to 3 are guilty for the Contempt of Court by violating the order and undertaking given to this Court. The Counsel for these respondents and respondents in-person are heard. It is the contention of learned Counsel for respondents that the respondents have tendered apology, and the same may be accepted.

3. Respondent no.1 claims that respondent nos. 2 and 3 are not concerned with this dispute and as such they may not be punished for the contempt. It is also contended by her that she is a lady and senior citizen and hence leniency be shown. Respondent nos. 2 and 3 claims that they have no concern with the dispute and respondent no.2 specifically claims that after the knowledge of the order he had left the said premise and has obtained another premises on rent. Respondent no.3 also takes the similar plea.

4. In order to determine quantum of punishment for the contempt of Court, the Court is required to take into consideration the over all facts and circumstances of the case and if the apology is found to the satisfaction of the Court same can be accepted. No doubt, the respondents have apologized to this Court, however the said apology would not be sufficient to not to impose any punishment upon them.

5. Considering the fact that the respondent no.1 is a Senior Citizen and a lady this Court finds no propriety to send her behind bars. So also in view of the fact that respondent nos.2 and 3 are having their respective families to look after, sentencing

them to the imprisonment, would in fact affect their families adversely.

6. In the result, having regard to overall fact and circumstances of the case, the respondents are punished with fine of Rs. 2000/- each, in default they have to undergo simple imprisonment for a period of four weeks.

7. The proceeding stands closed.

(R.M. Joshi, J.)