



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 92 OF 2009

Sau.Sunita Laxman Kolhe ... Petitioner

versus

Arjunchandra Swarupchandra Chouhan,
Chairman, Nav Nirmal Mandal and Others ... Respondents

WITH

CONTEMPT PETITION NO. 350 OF 2016

Smt.Sunita Laxman Kolhe ... Petitioner

versus

Nirmal Arjun Chavan, Chairman,
Nav Nirman Mandal and Others ... Respondents

.....

Ms.Deepali Deherkar i/b. Mr.Mandar Limaye for the Petitioner in both
the Petitions.

Mr.V.M.Mali, AGP for the Respondent -State in CP No. 92 of 2009.

Ms.Nisha Mehra, AGP for the Respondent -State in CP No. 350 of 2016.

Mr.Nirmal A. Chauhan for Respondent No.1 (Contemnor) in CP No.
350 of 2016 present in person

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CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.

DATE : 09 AUGUST 2024

P.C.:

Heard the learned Counsel for the parties.



2. The situation is unfortunate where an advocate, who is a trustee of the educational institution, has refused to obey court orders which have been confirmed by the Hon'ble Supreme Court for more than a decade . Contempt Petition No. 92 of 2009 has been pending for over 15 years, and a series of orders have been passed in these contempt petitions noting the defiance of the contemnors. This order is a continuation of previous orders.

3. The defiance of the contemnors has reached such a stage that even the State Government has taken serious note and is proceeding to take action to recover the amount owed to the petitioner, a teacher, including considering the sale of the trustees' properties. The amount owed has already been determined, and a hearing was conducted by the Director of Education, resulting in an order passed by the Deputy Director of Education on 5th June 2024, which has been submitted on an affidavit.

4. There are two aspects to consider in this matter. First, punitive action needs to be taken against the Contemnors for breaching the court orders. Second, it is necessary to purge the contempt by complying with the order.

5. Pursuant to the orders of the Court the Deputy Director of Education after giving hearing has determined that the total dues payable to the Petitioner amount to Rs. 1,05,59,637/-. During the earlier hearing



and again today, despite repeated query that if they are disputing the amount how much amount is according to them is payable, the Contemnor has avoided to answer. The Contemnors' only strategy at every hearing is to feign ignorance and seek time on some ground or the other to avoid payment.

6. The Deputy Director of Education has determined that the total dues payable to the Petitioner amount to Rs. 1,05,59,637/-, which will be recovered as arrears of land revenue. The Petitioner has filed an additional affidavit, providing details of the properties, including personal properties of the trustees. This information has been supplied to the Deputy Director of Education, who has taken the decision on 5 June 2024. The Deputy Director of Education will proceed to take steps to recover the amount and deposit the amount recovered from the sale of the properties in this Court. Once the amount is deposited, the Petitioner will be permitted to withdraw the same.

7. The revenue authorities, including the concerned Tehsildar, are directed to assist the Deputy Director of Education in carrying out the decision dated 5 June 2024 for the attachment and sale of the properties as arrears of land revenue. It is the responsibility of the Deputy Director of Education and the revenue Authorities to ensure that the order dated 5 June 2024 is carried out .



8. After the amount is so deposited and paid to the Petitioner, other aspect, that is, action against the Contemnors under the contempt jurisdiction would be considered.
9. Stand over to **29 August 2024**.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)