

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.395/2013
IN
WRIT PETITION NO.3767/2010
WITH
CONTEMPT PETITION NO.397/2013
IN
WRIT PETITION NO.3806/2010

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Gaurav Potnis i/b. Mrs. Pallavi Potnis for the Petitioner

Mr. A. I. Patel, AGP for Respondent No.4.

Mrs. Aparna Murlidharan i/b. Prakash Patil for the Respondent.

**CORAM : K. K. TATED &
B. P. COLABAWALLA, JJ.**

DATE : MARCH 6, 2018

P.C.:

1. Heard. The learned counsel Mrs. Aparna Murlidharan appearing on behalf of Mr. Prakash Patil – contemnor submits that her client's name was wrongly stated in order dated 01.09.2015 passed by this court (Coram : A. S. Oka and V. L. Achliya, JJ.) in this Contempt Petition. She submits that the Contempt Petitions are filed by the Petitioner for non compliance of order dated

25.07.2012 passed by this court in the above Writ Petitions. She submits that pursuant to the said order dated 25.07.2012 the Additional Collector and Dy. Collector, Resettlement (Land), Pune passed order dated 26.02.2015. She submits that, the Petitioners alleged that the order dated 26.02.2015 passed by the Authority is contrary to the earlier order dated 25.07.2012 passed by this court. She submits that at the time of hearing of the Contempt Petitions on 01.09.2015 this court has recorded the name of Mr. Prakash Patil, author of the order dated 26.02.2015. She submits that neither her client has passed the order dated 26.02.2015 nor has he violated the order dated 25.07.2012 passed by this court. She submits that because of mistake on the part of the concerned AGP, her client's name was recorded in order dated 01.09.2015 (in Contempt Petition) as author of the order dated 26.02.2015 and hence, this court has issued notice against him under Rule 9(1) of the Contempt of Courts (Bombay High Court) Rules, 1994. She submits that to that effect she has filed an Affidavit in reply dated 06.04.2017. She submits that in fact her client was superannuated on 31.05.2012 before passing those orders. Therefore, there is no question of proceeding with the Contempt Petition against her client.

2. The learned counsel for the Petitioner as well as the learned AGP are not disputing these facts.

3. Considering the submissions made by the learned counsel for the parties and the affidavit dated 06.04.2017 filed by Mr. Prakash Patil, we are satisfied that it is not necessary to proceed with the Contempt Petition against him. Hence, Mr. Prakash Patil is discharged from the Contempt Petitions.

4. Liberty granted to the Petitioners to file rejoinder in the Registry within two weeks from today with copy to other side.

S.O. by three weeks.

(B. P. COLABAWALLA,J.)

(K.K.TATED,J.)