

(2010) 10 BOM CK 0256
In the Bombay High Court
Case No : Contempt Petition No.35 Of 2010

Mr. Anthony Rebello

APPELLANT

Vs

Mr. Nirmal Braganza (deleted by order dated 22/09/2010.)
and others

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Citation : (2010) 10 BOM CK 0256

Hon'ble Judges : A.P. Lavande, J

Bench : Single Bench

Advocate : Ranjit Satardekar, for the Appellant;

Final Decision : Dismissed

Judgement

A.P. Lavande, J.—Heard Mr. Satardekar, learned Counsel for the petitioner. By this petition, the petitioner prays that contempt proceeding be initiated against respondent nos. 2, 3 and 5 for appointing Shri R. A. Ghali as an Electrical Inspector by orders dated 14th July, 2010 and 24th August, 2010. According to Mr. Satardekar, the appointment of Mr. Ghali is in contravention of the order dated 1st December, 2009 passed by the Division Bench of this Court in Miscellaneous Civil Application no.724/2009 in W.P. no.438/2009.

2. According to Mr. Satardekar, although the writ petition has been finally disposed of, the respondents were bound by the interim order and as such, the appointment of Mr. R. A. Ghali, is clearly in violation of the said order dated 1st December, 2009. In support of his submissions, Mr. Satardekar relied upon the following judgments :

(i) All Bengal Excise Licensees" Association Vs. Raghabendra Singh and others; (2007) 11 SCC 374.

(ii) Yumnam Dimbajit Singh Vs. D.S. Poonia and Another, .

(iii) Major Genl. B.M. Bhattacharjee (Retd.) and another Vs. Russel Estaqt

Corporation and another, .

(iv) Prithawi Nath Ram Vs. State of Jharkhand and Others, .

(v) T.M.A. Pai Foundation and others, etc. Vs. State of Karnataka and others, .

(vi) Mohd. Iqbal Khanday Vs. Abdul Majid Rather, .

(vii) The Aligarh Municipal Board and Others Vs. Ekka Tonga Mazdoor Union and Others, .

3. By separate order passed today in Contempt Petition nos. 28 and 33 of 2010, I have already held that the interim order dated 1st December, 2009 stood merged in the final judgment and order dated 14th June, 2010 by which W.P. no.438/2009 was disposed of.

4. For the very same reasons, I am of the considered opinion that no case has been made out for initiating contempt proceedings against respondent nos. 2, 3 and 5. In so far as the authorities relied upon by Mr. Satardekar are concerned, none of them advances the case of the petitioner. In the result, therefore, Contempt Petition is dismissed.