

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

915 CONT. PETITION NO. 233 OF 2015
IN APPEAL FROM ORDER NO.46/2014

RAOSAHEB JIJABA ANBHULE AND OTHERS
VERSUS
BADSHAH CHABUBHAI PATHAN

...

Advocate for Petitioners : Mr.Gaware Niteen V.
And Mr.R.S. Bihani
Advocate for Respondents : Mr. Latange V. P.

...

CORAM : S. V. GANGAPURWALA, J.**DATE : 27th October, 2015****PER COURT :**

1. Mr. Gaware, the learned counsel submits that this court, vide order dated 4th March, 2015, directed the parties to maintain status quo. The respondent, in contravention of the order of status quo, has started construction activities. The same is in contravention of the order passed by this Court. The respondent is guilty of committing willful disobedience of the orders of this Court by carrying out the construction activities in the suit premises.

2. Learned counsel further submits that the complaint is also lodged by the present petitioner. The respondent is a an influential person, as such police are reluctant to take action against the respondent. Learned counsel

submits that as contempt has been committed by the respondent of the orders passed by this court, action under the provisions of the Contempt of Courts Act be taken against the respondent.

3. Mr.Latange, the learned counsel for the respondent submits that no construction activity is undertaken by the respondent. No new construction is being made. The petitioner only wants to harass the present respondent. False complaint is lodged by the present petitioner. The respondent has no intention to flout directions of this Court.

4. The suit property is a Wakf property. Various tenants are residing there. However, it is not that the present respondent who has carried out the construction. There are words against words. The respondent, in his affidavit has affirmed that he is not carrying out any construction in the suit property and does not have any intention to carry out any construction in the suit property.

5. It would not be possible for this court without recording of evidence to come to a definite conclusion. The respondent, on affidavit has very categorically and

specifically stated that he is not carrying any construction. He also does not have intention to carry out any construction at least till disposal of the suit. The said affidavit is accepted as an undertaking. In the light of that the contempt petition is disposed of.

(S. V. GANGAPURWALA, J.)

JPC