

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

**38 CONT. PETITION NO. 14 OF 2013
IN AO/30/2005**

GOVARDHAN MOHANLALJI KARWA

VERSUS

ASHOK BAJIRAO AHER AND ORS

...

Advocate for Petitioner : Mrs. Anjali Dube- Bajpai
Advocate for Respondent No.1 : Mr. R. R. Mantri h/for
Mr. S.V. Natu & Mr. D.R. Irale Patil
Advocate for Respondent No.3, 4 and 10 : Mr. Ajinkya
Reddy h/for Mr. C. U. Talegaonkar
Advocate for Respondent No.9: Mr. Mahesh R. Sonawane

CORAM : S. V. GANGAPURWALA, J.

DATE : 5th October, 2015

PER COURT :

1. Mrs. Dube- Bajpai, the learned counsel for petitioner submits that the respondent no.1 herein was restrained by order of injunction from executing the any sale deed of land Survey No.40/1, northern side of Ambad, District Jalna, admeasuring 5 acres and with the boundaries as stated in the order.

2. The appeal filed by respondent No.1 as against the said order is dismissed by this Court. Even the suit filed by the other respondents for declaration and cancellation is dismissed, in which present respondent No.1 was also party. Thereafter, the

respondents moved application before the TILR for incorporating names of all the applicants in the said application as holders. According to learned counsel, respondent no.1, in fact, has violated the orders of the Court. The orders of the court are required to be obeyed in letters and spirit.

3. Mr. Mantri, the learned counsel for respondent No.1 submits that respondent No.1 herein was only restrained from executing any sale deed in respect of the suit property. Respondent No.1 has not executed any such sale deed nor there is any averment to that effect in the present contempt petition. The contempt petition deserves to be dismissed.

4. I have considered the submissions.

5. While entertaining the contempt petition, strict proof of violation of the orders passed by the Court would be necessary. The Court had passed the following order:

"The defendant is hereby temporarily restrained from executing any sale deed of land S.No.40/1 northern side of Ambad District Jalna, admn. 5

acres 12,467 sq. mtrs. =1,34,145 sq. feet = non agricultural assessed, lay out finally sanctioned tq. Ambad Dist. Jalna with boundaries i.e. East Jalna Beed bypass road, West- land of Bapurao Nana Warod having Sr. No. 34/2, South- land of Shinde and Gilda S.No.40/1 and North- land of Suryabhan Asaram Sr. No. till final disposal of the suit."

6. There is not a single averment that the respondent no.1 has executed sale deed in respect of any part of the suit property. The order is limited to restraining respondent no.1 from executing sale deed. No other restrain was put vide the said order.

7. In the light of above, no case is made out. Contempt petition is dismissed. No costs.

(S. V. GANGAPURWALA, J.)

JPC