

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

**2 CONT. PETITION NO. 550 OF 2015
IN FA/315/2009**

VIJAYKUMAR BASANTILAL KUCHERIYA

VERSUS

**NARSINGDAS BANSILAL LADDHA DIED THR L.RS. INDUBAI
NARSINGDAS LADDHA AND ORS**

...

**Advocate for Petitioner :Mr. S. V. Chandole h/for
Deshmukh Arvind**

...

CORAM : S. V. GANGAPURWALA, J.

DATE : 22nd September, 2015

PER COURT :

1. Mr. Chandole, the learned counsel for the applicant submits that respondents 3 to 5, in derogation of the orders of this Court dated 22.3.2012, passed in Civil Application No. 17754/2010 IN First Appeal No. 315/2009, have alienated the property in favour of present respondent No.2. The learned counsel submits that respondents 3 to 5 are claiming the property through respondent No.1 and the non applicant No.1 is the appellant in First Appeal No. 315/2009. They, intentionally, so as to impede the right of the present applicant, have sold the property to respondent No.2.

2. On a question being asked, as to whether the respondents 3 to 5 are the appellants, Mr.Chandole, the learned counsel fairly submits that they are not appellants in First Appeal No. 315/2009. The order of injunction was only qua the appellant. In light of that, the present contempt petition is not tenable against the said respondents. The petitioner may take recourse to such other remedy which may be permissible in law.

3. Contempt Petition is accordingly disposed of. No costs.

(S. V. GANGAPURWALA, J.)

JPC