

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

CONT. PETITION NO. 373 OF 2015 IN FA/154/2002

MANJULABEN NAVINCHANDRA PATEL AND OTHERS

VERSUS

PUNDALIK HARI CHAUDHARI

...

Advocate for Petitioners : Mr. Sangeet L. V.

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CORAM : S. V. GANGAPURWALA, J.

DATE : 14th September, 2015

PER COURT :

1. The petitioner alleges contempt of the order dated 26.03.2002. The said order reads as under:

"Heard Mr. Dixt, learned counsel for the applicant.

Notice before admission, returnable in eight weeks.

By an ad interim order, we direct the respondents not to create any third party interest in the suit property."

2. Mr.Sangeet,the learned counsel for the applicant submits that after this order is passed, the present respondent is added as party. As such, he is respondent in the said appeal.The said order would bind the present respondent. The learned counsel submits that

inspite of the fact that this order is well within the knowledge of the respondent, the respondent has changed the nature of the suit property. The respondent has applied for converting the land into Non Agriculture and plots have been laid down. The learned counsel further submits that the respondent may have alienated the said property by creating third party interest.

3. It appears that there is no transaction placed on record by virtue of which one can come to the conclusion that the order dated 26.03.2002 referred to above is violated.

4. Changing the nature of the property would not come within the ambit and purview of the order of injunction, referred to above. In the light of that, the contempt petition cannot be entertained.

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

6. In case of violation of the order of interim injunction, then only the petitioner can move the Court for appropriate action.

(S. V. GANGAPURWALA, J.)

JPC