

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION STAMP NO.10492 OF 2015
IN
WRIT PETITION NO.4513 OF 2013**

Kalgonda Dhulgonda Patil : Petitioner.

Versus

**Shripati Ramchandra Wadinge
since deceased through LRs
Balasaheb Shripati Vadinge
(since deceased)**

Smt. Banabai Balasaheb Vadinge and ors. : Respondents.

Kalgonda Dhulgonda Patil Petitioner in person.

CORAM : R. M. SAVANT, J.

DATE : 29th June 2015

P.C.

1 The above Contempt Petition has been filed alleging contempt of the order dated 3/10/2013 and 4/7/2014 passed in Writ Petition No.4513 of 2013. The said Writ Petition challenges an order passed in a proceeding whereby the challenge to the consolidation scheme which was finalized in the year 1969 was entertained for the first time in the year 1984 i.e. after 14 years on the ground that such a challenge has to be raised within a reasonable time. The said Writ Petition filed by the Petitioner came to be admitted and the status-quo came to be granted and the time up to which the status quo was to run was clarified by the subsequent order dated 4/7/2014 by which order the status quo was to operate pending the hearing and final disposal of the said

Writ Petition.

2 The contempt alleged by the Petitioner of the said two orders is on the ground that the Trial Court i.e. the learned 2nd Joint Civil Judge, Junior Division, Ichalkaranji has decreed the suit filed by the Respondents herein by the judgment and order dated 20/9/2014 in spite of the orders dated 3/10/2013 and 4/7/2014 passed in the said Writ Petition No.4513 of 2013. In so far as the said suit is concerned, it is required to be noted that the said suit has been filed in the year 1984, and the said suit was filed for possession by the Respondents herein who are the original Plaintiffs. It was the case of the Plaintiffs that the Petitioner herein has encroached upon land to the extent mentioned in the said suit. The Petitioner who was the Defendant in the said suit raised a defence of title by adverse possession. The Trial Court rejected the said defence and upheld the case of the Plaintiffs that the Petitioner herein had encroached upon the land in question and has therefore decreed the suit by the judgment and order dated 20/9/2014. Hence the orders passed in the said Writ Petition No.4513 of 2013 have nothing to do with the adjudication of the said suit. There was no impediment for the Trial Court to proceed with the adjudication of the said suit which it has done so and has ultimately passed the decree dated 20/9/2014. If the Petitioner is aggrieved by the decree, it is open for him to file appropriate proceedings challenging the said decree.

3 In my view no case for invocation of the contempt jurisdiction is made out. The above Contempt Petition is accordingly dismissed.

[R.M.SAVANT, J]