

in the Court of Civil Judge Junior division, Nandgaon, District Nashik on 3rd April, 2012, as Regular Civil Suit No. 4 of 2007 which was between the same parties was scheduled for hearing. He submitted that despite this communication, the contemnor sold the property to some other person on 12th April, 2012 for Rs.20,00,000/- though the market value of the said land was Rs.67,20,000/-.

4. The learned counsel for the respondents/contemnors submitted that the order of this Court dated 28th March, 2012 was never communicated to the respondents. He pointed out that the date on which the order was passed, neither the respondents nor their counsel were present. The matter was taken on board upon production. He further submitted that the contemnors were never aware of the order passed by this Court and, therefore, they have entered into sale deed on 12th April, 2012.

5. The issue involved is very short. On 28th March, 2012 this Court passed the order directing the respondents not to create third party interest or part with the possession in respect of the suit land. Admittedly on that date, the matter was taken on board by production. The appearance shows "none for the respondents". Under such circumstances, it was necessary for the petitioner to show that the

respondents had knowledge of this order prior to 12th April, 2012. Though there is no counter affidavit filed by the respondents denying the fact which is stated in paragraph 4 of the affidavit filed by the petitioner dated 10th October, 2012 in respect of serving the copy of the order on 3rd April, 2012 before the Civil Judge Junior Division while hearing Regular Civil Suit No. 4 of 2007, it is necessary for the Court to demand proof of acknowledgement of such service of the order on the respondents. In absence of acknowledgement of service or receipt of the impugned order by the respondent prior to 12th April, 2012, inference cannot be drawn that the respondents had knowledge of the order of injunction passed by this Court on 28th March, 2012. Under such circumstances, the Petition fails. Hence, the Contempt Petition is dismissed.

(MRS.MRIDULA BHATKAR, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.