

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 410 OF 2012
IN
WRIT PETITION NO.4475 OF 2009

Mhalsakant Sakharam Peshave .. Petitioner
vs.
Khanderao Sakharam Peshave
(since deceased through Lrs.
and ors.) .. Respondents

Mr. Dilip Bodake for the Petitioner.
Mr. Ajay Joshi for Respondent Nos.1A to 1C.
Mr. B.A. Lawate for Respondent Nos.2 to 4.
Ms P.S. Cardozo, AGP for Respondent No.9/State.

CORAM : M. S. SONAK, J.
DATE : 05 FEBRUARY , 2015

P.C. :-

1] This contempt petition alleges the contempt of the order dated 13 August 2009 made in Writ Petition No.4475 of 2009, the operative portion of which, reads thus:

“The Civil Court shall decide regular civil suit No.143 of 2008 on merits in accordance with law and uninfluenced by the observations made in these proceedings by the revenue authorities. After the rights of the parties are adjudicated in the civil suit it is open to the petitioner to approach revenue authorities afresh for effecting fresh entries in the revenue record as per the orders passed in the civil suit. With these observations the writ petition is disposed of”.

2] Mr. Khanderao Peshave, who was the original petitioner in Writ Petition No.4475 of 2009, has since expired. The contempt petition, alleging breach of the aforesaid order, has been taken out against the legal heirs of the deceased Khanderao Peshave.

3] That apart, it is clear that the aforesaid order dated 13 August 2009 had not issued any directions as such to any of the parties. All that was done with some liberty granted to the petitioner.

4] Further, if the entries, which are made in the survey records are perused, then it appears that one of the entries is in pursuance of an order made by the SDO and the second entry records surrender of rights.

5] In the aforesaid circumstances, there is no case made out to proceed against the legal heirs of the deceased Khanderao Peshave. This contempt petition is misconceived and therefore, the same is dismissed.

(M. S. SONAK, J.)

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