

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CONTEMPT PETITION NO.25 OF 2014

IN

WRIT PETITION NO.122 OF 2013

The Madhya Railways Employees' Housing Association, Nagpur

..vs..

S/Shri Mahadeorao Jangluji Kamatkar and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri A.P. Gera, counsel for the petitioner.

Shri Jaltare, counsel for R-1 & 2.

Shri S.V. Manohar, senior counsel with Shri S.Joshi, counsel for R-3.

Shri S.K. Mishra, counsel for R-7.

AGP for R-4 to 6, 8, and 10.

None appears for R-9.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : DECEMBER 8, 2015.

Heard.

Effort of learned counsel for the petitioner Shri A.P. Gera is to demonstrate that after this Court passed restraining order dated 29.1.2014 of Writ Petition No.122 of 2013 in the presence of learned counsel for respondent No.3, the construction work continued till 4.2.2014. It was thereafter discontinued and resumed on 10.6.2014. Thereafter, it continued for 6 days i.e. upto 16.6.2014. He has invited our attention to photographs to buttress his submission.

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Learned senior counsel submits that no construction work as such has been effected after 29.1.2014 and the material like centering plates, wooden centering etc. have only been removed on those dates. He has also invited our attention to very same photographs to urge that photographs do not show any addition to existing structure.

With the assistance of respective learned counsel for the parties we have perused photographs. We are not in a position to conclude that any additional construction has been effected or the structure present on 29.1.2014 has been added. Therefore, the disputed questions arise for adjudication. However, along with affidavit of respondent No.3, at page No.62 we get two photographs dated 4.5.2015. It is not in dispute that the structure as shown there is in existence till today.

The photographs on record, *prima faice*, only show that removal of wooden support or plates for centering.

As disputed questions arise, we are not inclined to interfere in exercise of our contempt jurisdiction in the present matter.

Respondent No.3 states that the structure, appearing in photographs dated 4.5.2015, shall continue until further orders of this Court in the matter.

In view of the statement made, with liberty to

the petitioner to approach again, if any fresh cause of action arises, we dispose of the contempt petition.

JUDGE

JUDGE

!! BRW !!

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