

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.283 OF 2012

IN

P. I. L. NO.60 OF 2011 (D)

Mohammad Isthekhar Abdul Rehman and others

-vs-

Chintaman S/o Narayanrao Landge and others

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

Court's or Judge's Orders.

 Mr.Amol Deshpande, counsel for the petitioners.
 Mr.S.R.Deshpande, counsel for the respondent Nos.1 and 2.
 Mr.D.P.Thakre, Addl.G.P.for the respondent Nos.3 and 4.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 27.03.2015.

By this contempt petition, the petitioners seek action against the respondents for willful disobedience of the order directing the respondents to remove the encroachment.

It appears on hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply filed on behalf of the respondents that the alleged encroachers have moved the Civil Court and the Civil Court has granted temporary injunction in the suits filed by the alleged encroachers.

If that be so, the respondents would not be in a position to remove the encroachments. The inaction on the part of the respondents in not removing the encroachment cannot be said to be deliberate or intentional in the circumstances of the case.

In view of the aforesaid, the contempt petition is disposed of with no order as to costs.

JUDGE

JUDGE