

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 109 OF 2016
IN
MISC. APPLICATION NO. 368 OF 2015**

Nanhekha Shebkha Pathan
& Ors.

..... **PETITIONERS**

V E R S U S

Mahesh Sudalkar & Ors.

..... **RESPONDENTS**

.....

Mr. M.G.Kolsepatil, Advocate for Petitioners.

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CORAM : T.V.NALAWADE, J.

DATE : 30th MARCH, 2016

ORAL ORDER :-

. The present proceeding is filed for taking action for civil contempt. The learned counsel for the petitioners took this Court through the order made by the District Court in Misc. Application No. 368/2015. This proceeding is filed for condonation of delay in the District Court against the Judgment and Decree of partition given by the trial Court. The interim relief like status-quo was given by the District Court on 02/12/2015. When this order was made, only respondent Nos. 1,3,4 and 5 were present.

2. There is grievance that the decree holders got their names entered in the revenue record by using the decree given by the trial Court. Copy of mutation is produced on record and it shows that the mutation was sanctioned on 16/11/2015 by the Circle Officer. Copy of the application given before the revenue authority dated 09/11/2015 is produced and it shows that the notice of the mutation proceeding was given to the present petitioners. It needs to be presumed that the objection taken by the petitioners on 09/11/2015 was considered by the revenue authority and then the mutation was sanctioned. Copy of the application filed for execution of decree is produced on record and it shows that the Suit was filed in the year 2006 and the execution proceeding was filed in the year 2011. Copy of execution proceeding shows that notice of execution proceeding was given to the other side/Judgment debtor on 13/12/2011 itself. In view of these circumstances, this Court holds that no action can be taken like civil contempt of Court.

3. In view of the above, Contempt Petition stands rejected.

[T.V.NALAWADE, J.]