

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

902 CONT. PETITION NO. 376 OF 2013
IN MCA/10/2002

ANIL SUVALAL KANKARIYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Bharaswadkar Raghvendra N.
Advocate for Respondents 2 & 7 to 11 : N.L. Jadhav
AGP for respondent/State : S.P. Sonpawale

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CORAM : T.V. NALAWADE, J.
DATED : 10th June, 2016.

ORDER :

1. The petition is filed by the petitioner as the order made by this on 10.2.2003 is not complied with by the other side. The direction was given by this Court as under :-

“It is to be noted that Regular Civil Suit No. 42 of 1992 is pending since 1992. The learned counsel for the petitioner submits that if Special Civil Suit No. 203 of 2000 is transferred to Beed court, he will make an application for transfer of Regular Civil Suit No. 42 of 1992 to Beed.”

2. Though there was such direction as the matters were apparently connected anybody could have been taken steps and matters could have been transferred on taking steps by anybody, who was interested in the early hearing of the matter.

Today, the learned counsel for respondents produced copy of application at Exh. 93 given in Special Civil Suit No. 15/2003 to show that it is the applicant who is trying to protract the things. In the application, prayer was made by the applicant to postpone the hearing of the suit till the writ petitions are decided. The litigation is filed for partition of the property. It is clear that the party, who is in possession is trying to protract the things. It is surprising that nobody has taken steps and the present proceeding for contempt came to be filed in the year 2013 when the order was made in the year 2003. This Court holds that no attempt or disobedience of the order of this Court is made out by the petitioner. So, the petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/