

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

CONTEMPT PETITION NO. 559 OF 2016

NOOR BEE MUSSLUM CHAUS (DIED BY L.RS.) ABDULLAH BIN
MUSSLAM BAMIDRAK AND OTHERS

VERSUS

SURESH @ RAMESH NAMDEO INGLE AND OTHERS

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Advocate for Petitioners : Shri Shaikh Mujtaba Gulam Mustafa.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th October, 2016

Per Court:

1 The Petitioners are before this Court by filing this Contempt
Petition on 27.04.2016 alleging that the judgment dated 22.02.2007
passed by the learned Adhoc District Judge-4, Jalna in Regular Civil
Appeal No.5/2005 is not being implemented by Respondent Nos.1 to 4,
who are private individuals.

2 I have heard the submissions of the learned Advocate for the
Petitioner.

3 It is conceded that Regular Darkhast No.9/2010 has already
been preferred by the Petitioner seeking execution of the said order. It is
also conceded that the Application Exhibit-26 filed by the Petitioner/

Decree Holder under Order 21 Rule 32 r/w Section 151 of the Code of Civil Procedure, has been allowed by the learned Civil Judge Junior Division on 23.01.2015. Pursuant to the said order, the police assistance of two Police Constables and one lady Constable has been allowed and the Petitioner is permitted to proceed with the construction over the suit properties.

4 The sequence of events have been narrated in the petition. No incident has been stated in the petition which would indicate that the Respondents have intentionally, willfully and deliberately disobeyed the judgment dated 22.02.2007 so as to consider this case under the Contempt of Courts Act, 1971. In fact the Petitioner has already filed the police complaint with the Police Station, Tembhurni, District Jalna on 22.09.2016.

5 Considering the passage of nine years from the date of the judgment and the fact that the Petitioner has already been granted police assistance and since no incident of willful disobedience has been cited, this Contempt Petition does not deserve to be considered and is dismissed.