IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1613 OF 2015
(Suresh Gyanchand Haswani Vs. The State of Maharashtra and others)

Mr. Vijay Sharma, Advocate for the petitioner
Mr. N.T. Bhagat, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 05/02/2016

ORAL ORDER :

1. Heard learned counsel for the petitioner. He submits that the order of the learned Civil Judge Senior Division merely issuing show-cause notice, though the present petitioner had prayed for issuing non-bailable warrant in the contempt proceeding, is wrong.

2. It is, however, to be noted that the trial court is concerned only with the reference proceedings and not the contempt petition itself. The reliance of Mr. Vijay Sharma, learned counsel for the petitioner, placed on the ratio laid down in the case of "***Saurashtra Vanza Gnyati Yuvak Mandal and another Vs. Municipal Corporation of Gr. Bombay and others***", reported in ***2007 Cri.L.J. 539***, therefore, is misplaced.

3. The sum and substance of the allegations of the petitioner would be that during the pendency of the suit, certain changes are made by the respondents in the property. Therefore, he wanted that the respondents be dealt with for contempt of the court.

4. Upon hearing learned counsel for the petitioner and upon perusal of the order of the trial court as well as sessions court, there appears no force in the writ petition. The writ petition is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/criwp1613-2015