

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.319 OF 2016

Vittal Dadaso Suryavanshi & Anr.	..	Petitioners
Vs.		
Smt.Housabai Pandurang Chature & Ors.	..	Respondents

**ALONG WITH
CONTEMPT PETITION NO.318 OF 2016**

Vittal Dadaso Suryavanshi & Anr.	..	Petitioners
Vs.		
Kamlesh Mahadeo Kenjale & Ors.	..	Respondents

Mr.P.B.Shah i/by Mr.Kayval Shah for Petitioners.
Mr.Vishwanath Talkute for Respondent nos.1 to 4 in CP No.319 of 2016.

CORAM : R.D. DHANUKA, J.
DATE : 14th September 2016

P.C.

. By these contempt petitions, the petitioner seeks an action under the provisions of Contempt of Courts Act, 1971 against the respondents and has alleged the violation of the order dated 20th October 2015 passed by this Court in Second Appeal Nos.782 of 2015, 795 of 2015 and Second Appeal (St.) No.25595 of 2015.

2. Mr. Shah, learned counsel appearing for the petitioners invited my attention to the order dated 20th October 2015 passed by this Court in the above referred second appeals. This Court has recorded the statement made by the learned counsel for the respondents that the respondents would not take any coercive steps against the appellants

pursuant to the orders passed by this Court and they would maintain status-quo as of today. This Court made it clear that the said statement to continue till next date. It is submitted by the learned counsel for the petitioners that inspite of such statement made by the learned counsel for the respondents, not to take any coercive steps against the appellants and that status-quo would be maintained as of that date, the respondents have removed the fencing on the suit plot.

3. Mr. Talkute, learned counsel appearing for the respondents in Contempt Petition No.319 of 2016 submits that no violation of the order dated 20th October 2015 passed by this Court is made by the respondents. He submits that the respondents have already filed execution application for implementation of the impugned decree which was subject matter of the aforesaid three second appeals. He also invited my attention to the order and judgment dated 29th January 2016 in the above referred second appeals and submits that these second appeals are already dismissed by this Court. He submits that the petitioners are obstructing the execution application filed by the respondents on the ground that these contempt petitions are pending in this Court. He submits that these contempt petitions are a gross abuse of process of law.

4. In my view, the petitioners are not able to demonstrate before this Court as to whether the said order dated 20th October 2015 passed by this Court is violated by the respondents in any manner whatsoever. The respondents have succeeded in the second appeals filed by the respondents herein before this Court. The respondents have filed execution application for implementation of the orders passed by the lower Court which were subject matter of the second appeals. No case is

made out for initiating any action against the respondents under the provisions of the Contempt of Courts Act, 1971 or any other provisions of the law. Contempt Petitions are devoid of merits and are accordingly dismissed. Executing Court shall expedite the execution application filed by the respondents. This Court has not granted any stay on the execution proceedings filed by the respondents. No order as to costs.

R.D. DHANUKA, J.