

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

WRIT PETITION NO.9673 OF 2016

Purbhaji Venkoba Harkal & others ... PETITIONER

VERSUS

Laxmibai Kanhe Patil sevabhavi
Sanstha, Parbhani ... RESPONDENT

.....
Shri V.P. Kadam, Advocate for petitioners
Shri G.R. Ingole, Advocate for respondent

.....

WITH

CIVIL APPLICATION NO.16757 OF 2016

Laxmibai Kanhe Patil sevabhavi
Sanstha, Parbhani ... APPLICANT

VERSUS

Purbhaji Venkoba Harkal & others ... RESPONDENTS

.....
Shri G.R. Ingole, Advocate for applicant
Shri V.P. Kadam, Advocate for respondents

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CORAM: S. B. SHUKRE, J.

DATED: 1st February, 2017.

ORAL ORDER :

1. It is an admitted fact that the petitioners were in Civil Prison for a period of 21 days on the charge that all of them had

committed breach of the order of permanent injunction issued by the 5th Jt. Civil Judge, Junior Division, Parbhani when the Regular Civil Suit No.196/2009 filed by the respondents was decreed by it. As the petitioners committed breach of the injunction order, they were detained and then sent to Civil Prison as per the order passed by this Court on 22/9/2016. In compliance with this order, the petitioners have also submitted a written undertaking to this Court, marked "X" for identification. By this undertaking, the petitioners have stated that in future they would abide by the injunction order dated 27/2/2012, passed by the 5th Jt. Civil Judge, Junior Division, Parbhani in Regular Civil Suit No.196/2009. This undertaking is accepted. In view of this undertaking, I find that, now nothing survives in this Writ Petition. The petition, therefore, deserves to be disposed of by modifying and reducing the period of civil imprisonment stipulated in the impugned order dated 7/9/2016 to the period of detention already undergone so far by the petitioners, so far as the breach of the injunction order involved in the petition is concerned.

2. Learned counsel for the respondents submits that, the petitioners have developed habit of obstructing possession of respondents. If these petitioners have not learnt a lesson in spite of being jailed by way of civil imprisonment, the

respondents would be at liberty to seek a similar relief against that on the basis that every fresh breach of the injunction order would invite a fresh cause of action. Even otherwise, there is a written undertaking solemnly given by the petitioners to the Court that they would not commit any breach of the perpetual injunction order in future and this undertaking has been accepted by this Court, thereby providing additional remedy of approaching this Court for initiating proceedings for the Contempt of authority of this Court.

3. In this view of the matter, the Writ Petition deserves to be disposed of and is disposed of with the modification in the impugned order that the period of one month of imprisonment shall be substituted by the period of detention already undergone by the petitioners in the present case.

4. In view of disposal of the Writ Petition, Civil Application No.16757/2016 stands disposed of.

(S. B. SHUKRE)
JUDGE