

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

CONTEMPT PETITION NO. 273 OF 2016

Sambhaji Ramchandra Kunjir

...Petitioner

vs.

Sudhir Vasant Naik & Anr.

...Respondents

Mr.S.S. Kanetkar for Petitioner.

**CORAM : S.C. GUPTE, J.
16 MARCH 2017**

P.C.:

This contempt petition alleges breach of an order passed by this court on 2 January 2007. By this order, this court continued the ad-interim order dated 9 October 2002 passed by the lower appellate court staying the operation and execution of a decree passed by it on 7 October 2002. This decree restrained Respondent Nos.1 to 3, which include the Petitioner herein, from disturbing possession of the Appellant / Plaintiff, who is Respondent No.1 in the present contempt petition. In other words, after the order dated 9 October 2002, there was no injunction in favour of Respondent No.1 herein.

2 The complaint in the contempt petition is that Respondent No.1 and his family entered upon the suit property and dug pits therein. It is alleged that this act on the part of Respondent No.1 amounts to a breach of the order passed by this court. That is obviously not correct. There is no restraint order against Respondent No.1 herein requiring him not to disturb the possession of the Petitioner herein.

3 There is, accordingly, no merit in the contempt petition and

the same is dismissed.

4 Needless to add, this order will not come in the way of any application made in future by the Petitioner seeking appropriate interim injunction against Respondent No.1.

(S.C. GUPTE, J.)