

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.135 OF 2016
IN
CIVIL APPLICATION (CAC) NO.15 OF 2011
IN
CIVIL REVISION APPLICATION NO.135 OF 2011

Stish Keshao Nitnaware and ors.

-vs-

Lokchand s/o Mahadeo Nitnaware and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. K. Patil, Advocate for petitioner.

Shri N. S. Deshpande, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.

DATE : February 28, 2017

In the present contempt petition it is prayed that respondent Nos.1 to 5 be punished for flouting directions issued by this Court vide order dated 28/09/2011 in CRA St. No.2532/2011. By said order the parties to the proceedings before this Court had agreed that the order of status quo that was passed earlier would continue to operate during pendency of the suit.

In the contempt petition, reference is made to an agreement dated 12/10/2011 entered into by one Bharat Lokchand Nitnaware as well as another agreement dated 28/01/2014 entered into by Shri Dilip Abhimanyu Shewale. It is alleged that these persons have flouted the order of status quo passed by this Court in the aforesaid civil revision application.

Perusal of the cause title of civil revision application indicates that both these persons who have entered into agreements were not parties to the said proceedings. On this count the petitioner has moved Civil Application No.17/2017 for adding said two parties as respondents in the contempt petition.

Considering the fact that the parties proposed to be added in contempt petition were not the parties to civil revision application and the fact that they in their individual capacity were not barred by any interim order passed in civil revision application, from entering into any transaction, the prayer made in civil application cannot be granted.

As the contempt alleged is against the persons who were not parties to the civil revision application, cognizance of alleged disobedience cannot be taken in the present proceedings. By clarifying that it is open for the petitioners to take such steps as are permissible in law before the trial Court where the suit is pending, the contempt petition and civil application are disposed of with no order as to costs.

JUDGE