

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

**907 CONTEMPT PETITION NO. 138 OF 2018
IN
WRIT PETITION NO. 3003 OF 2014**

NANDINI BANSILAL SONGRA & ORS.

VERSUS

GHANASHAM CHAGAN MANGLE & ORS.

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Mr. V.J.Dixit, Sr. Counsel i/b

Mr. L.V.Sangeet, Advocate for Petitioners.

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CORAM : V.L.ACHLIYA, J.

DATE : 10th APRIL, 2018

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ORAL ORDER :

1. The petitioners have filed this contempt petition seeking action against the respondents for disobeying the order dated 14/03/2014 passed by Ad-hoc District Judge - 2, Ahmednagar in M.C.A. No. 159/2013 and confirmed by this Court in Writ Petition No. 3003 of 2014 vide order dated 07/04/2014.

2. Heard Mr. V.J.Dixit, learned Senior Counsel appearing for the petitioners and perused the order dated 14/03/2014 passed by Ad-hoc District Judge - 2, Ahmednagar in M.C.A. No. 159/2013 which reads as under :

"

ORDER

[i] The Appeal is partly allowed with costs.

[ii] The defendant Nos. 1 to 4/respondent Nos. 1 to 4 are restrained temporarily from giving finality/final sanction to the layout of the defendants land i.e. survey No. 79/1B till carrying out the measurement of both the suit properties. The other prayers stands rejected.

[iii] The T.I.L.R. is directed to carry out the measurement of both the suit properties on the application already submitted by the plaintiffs/appellants within two months from the date of this order. "

3. Learned Senior Counsel for the petitioners has not disputed that pursuant to the order passed the land S.No. 79/1-B was measured by T.I.L.R. as directed by the appellate Court. The fact is also not in dispute that after the receipt of report of T.I.L.R., further action has been taken to finalize the lay-out plan submitted by the defendants in the Suit. In the contempt petition, the petitioners have urged that the measurement was carried out without notice to them. Such contentions can not be raised and decided contempt petition. In view of undisputed fact and averments made in petition that the layout plan has been sanctioned after the measurements were carried out by the T.I.L.R., no cause of action is

made out to entertain the contempt petition.

4. Contempt Petition stands dismissed.

[V.L.ACHLIYA, J.]

KNP/C.P. 138.2018 in W.P. 3003.2014