

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

CONTEMPT PETITION NO. 556 OF 2012

DHONDIBA @ BHIMRAO BHANUDAS NAGWADE
VERSUS
GANGUBAI BHANUDAS NAGWADE AND ANR

...

Advocate for the Petitioner : Shri Gaikwad Sanjay N.
Advocate for Respondents 1 and 2 : Shri Satyajit S. Bora.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 13th June, 2018

Per Court:

1 I have heard the learned Advocates for the respective sides.

2 It is undisputed that the Petitioner is aggrieved by the disobedience of the order dated 23.07.1997 passed below the application Exhibit-43 by the Executing Court in Regular Darkhast No.38/1986. It is equally undisputed that the Second Appeal preferred by the Respondents has been dismissed by the judgment of this Court and Regular Darkhast No.38/1986 is still pending adjudication.

3 I am of the view that this Contempt Petition under the Contempt of Courts Act, 1971 need not be entertained in view of the date of the order being 23.07.1997 and the alleged violation occurring on 20.04.2002 and secondly, for the reason that the execution proceedings

are pending and the Petitioner would have a remedy through the execution proceedings to have the decree executed.

4 The learned Advocate for the Petitioner, at this juncture, states that he is willing to proceed with the execution proceedings and this Court may direct the Executing Court to expedite the hearing.

5 Since this Court is dealing with the Contempt Petition, a direction of expediting the execution proceedings cannot be granted. Nevertheless, the Executing Court would surely proceed expeditiously with the execution proceeding as the same has been filed in 1986.

6 With the above observations, this Contempt Petition is disposed of.

kps

(RAVINDRA V. GHUGE, J.)