

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 62 OF 2016
IN
CONTEMPT PETITION NO. 333 OF 2012

Satish Deoprasad Konatt & Anr. ... Applicants
Vs.
Damu (Damodar) Devram Rokade & Ors. ... Respondents

Mr. S.D. Konatt, Advocate for the applicants.
Mr. K.P. Shah, Advocate for respondent nos. 1, 3, 4A to 4D.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 7th June, 2018.

P.C.:

This Application is moved in Contempt Petition for bringing the legal heirs of deceased respondent no.1-Damu (Damodar) Devram Rokade on record. By this Application, the learned counsel for the applicants submitted that the wife, son and daughter of deceased respondent no. 1 is to be brought on record as respondent nos. 1A, 1B and 1C. He submitted that by order dated 21st April, 1995 passed by the learned 10th Joint Civil Judge Junior Division, respondent no. 1 and other respondents were perpetually restrained from alienating the suit property, however, the property was subsequently alienated wherein in the sale deed, the names of proposed respondents, i.e., legal heirs of respondent no. 1 are mentioned and therefore, they are to be made party to this Contempt Petition.

2. The learned counsel for the respondents opposed the Application and submitted that they have not committed any contempt and they are not to be brought on record.

3. Heard the submissions. Perused the order and the sale deed. Whether the parties have committed contempt or not is a matter of hearing of main petition on merit. Hence, Civil Application is allowed. The legal heirs of deceased respondent no. 1 are brought on record. Amendment is to be carried out within two weeks from today. Notice to be issued to proposed respondents thereafter. The main petition is to be listed on 25th July, 2018.

(MRIDULA BHATKAR, J.)