

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

**CONTEMPT PETITION NO.386 OF 2017
IN
CIVIL APPLICATION NO.2158 OF 2015
IN
FIRST APPEAL NO.705 OF 2015**

Shri Sayyad Latif Nissar Husainshah Fakir ... Petitioner
v/s
Mr Avinash Shinde, Deputy Collector, Satara
and another ... Respondents

Mr P.B. Shah for Petitioner.
Mr J.K. Jadhav i/b Mr K.K. Jadhav for Respondent No.2.

***CORAM : K.K. TATED AND
B.P. COLABAWALLA, JJ.***

DATE : 09 March, 2018.

P.C. :-

1. Heard learned counsel for the parties.
2. By this Contempt Petition, the Petitioner alleges that the Respondent No.1 violated the order dated 13th July 2015 passed by this Court in Civil application No.2158 of 2015 in First Appeal No.705 of 2015.

3. The learned counsel for the Petitioner submits that this Court by order dated 13th July 2015 permitted to proceed with partition proceedings but restrained from handing over physical possession to the parties. He submits that those facts were also recorded by the Executing Court in their order dated 7th January 2017 which was forwarded to the Collector, Satara. In spite of that, Respondent No.1 issued letter dated 29th March 2017 to Tahasildar, Wai to handover possession to parties. Hence, action be taken against Respondent No.1 for violating the order passed by this Court on 13th July 2015.

4. The learned counsel for Respondent No.2 submits that as soon as the Collector learnt about the order passed by this Court dated 13th July 2015, he immediately issued a letter dated 11th August 2017 withdrawing the earlier letter / communication to the Tahasildar dated 21st March 2017. He further submits that the actual physical possession is not handed over to the parties. He placed on record the subsequent letter dated 11th August 2017 issued by the Respondent No.1 – Collector. He submits that in view of subsequent development, nothing survives in the present Contempt Petition.

5. We have heard both the sides at length. In view of

subsequent development i.e. letter dated 11th August 2017 issued by the Collector, Satara, we do not find any reason to entertain the present Contempt Petition.

6. Hence, Contempt Petition stands rejected. No order as to costs.

(B.P. COLABAWALLA, J)

(K.K. TATED, J.)