

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION No. 246 OF 2018

Mohammad Hanif Abdul Wahid Shaikh & Anr. ... Petitioners

Vs.

Pune Krishi Utpanna Bajar Samiti, Pune
through Administrator & Ors.

... Respondents

Mr. Shailendra S. Kanetkar, Advocate for the petitioners.

Mr. Sugandh B. Deshmukh, Advocate for respondent nos. 3 and 4.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 13th August, 2018.

P.C.:

Upon mentioning, taken on production board.

2. The learned counsel for the petitioners submitted that though respondent No. 6 is served, she never appeared before the Court and she is also not allowing the petitioners to carry on their business. The learned counsel points out that as per the impugned order dated 5th June, 2017 passed by the learned District Judge, Pune, all the defendants including defendant No. 3, who is respondent No. 6 in this Writ Petition, were restrained from obstructing the plaintiffs from carrying on the business of fruits or sell agricultural products in the suit property, i.e., shop No. 878 and were also restrained from creating third party interest in the said suit shop. The said order is

confirmed by this Court by order dated 25th April, 2018 where respondent No. 6 is shown as respondent No. 4 in two Writ Petitions and petitioner in one Writ Petition.

3. In the order dated 30th July, 2018 this Court has observed that the petitioners have served respondent Nos. 5 and 6 and they have filed affidavit of service on 26th June, 2018 along with acknowledgment to that effect. The learned counsel for the petitioners has submitted that respondent No. 6 is using physical force and thus, the petitioners are not allowed to carry on their business. He prays that the petitioners be allowed to enter the suit shop with police protection and carry on their business.

4. In view of these facts and earlier orders passed by the District Court and this Court, Senior Police Inspector of Market Yard is directed to appoint one male constable and one female constable to enable the petitioners to enter the shop and they are allowed to carry on their business. It is made clear that thereafter the police protection is to be withdrawn on the same day. However, if at all there is any repetitive act of obstruction, then the petitioners may approach the Civil Court, Pune where the suit is pending and may file

Application under Order 39 Rule 2A of Code of Civil Procedure and that Application is to be expedited by the Civil Court in accordance with law.

5. Contempt Petition is disposed of.

(MRIDULA BHATKAR, J.)

Vidya
Suresh
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by Vidya Suresh
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