

Sequeira

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

CONTEMPT PETITION NO. 137 OF 2017

Mr.Sadashiv Rambhau Kakade

.. Petitioner

Vs

Late Nivrutti Dhondiba Shinde

(Deceased through his legal heirs)

-Mr.Arun Nivrutti Shinde and others

.. Respondents

None for the Petitioner.

Coram : N.M.Jamdar, J.

Date : 15 January 2018.

P.C. :

By this Contempt Petition the Contempt Petitioner / Original Respondent in Second Appeal (Stamp) No.28659 of 2002 has sought that the Respondents / original Appellants be punished under the Contempt of Courts Act, 1971 for committing the order dated 4 October 2007 in Civil Application No.1297 of 2007 in Civil Application No.833 of 2002 in the Second Appeal (Stamp) No.28659 of 2002.

2. It appears that the Petitioner had instituted a civil suit seeking order of injunction. The suit was decreed in favour of the Petitioner which order was confirmed in appeal. An application in Second

Appeal was filed by the Respondent with a Civil application for condonation of delay. The learned Single Judge by order dated 4 October 2007 dismissed the application for condonation of delay, consequently the Second Appeal was also dismissed. It is the grievance of the Petitioner as seen from the petition, that inspite of the order of injunction passed by the learned Civil Judge and the learned District Judge, Pune, the Respondents are violating the same and have entered into certain sale deeds.

3. I have gone through the averments and the order passed on 4 October 2007. This order only dismissed the application for condonation of delay in the appeal. The Petitioner has ample civil remedies in law to execute the order of permanent injunction granted by the trial Court and take such further steps and recourse to the legal remedies. In these circumstances, no case is made out to invoke the power of Contempt of Courts vested in this Court. The Contempt Petition is accordingly disposed of, keeping the remedies open to the Petitioner, to be adjudicated as per law.

(N.M.Jamdar, J.)