

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

Civil Application No. 05428 of 2019
(In Contempt Petition No. 0489 of 2012)
(In Second Appeal No. 0135 of 1994)

District : Latur

Prayagbai w/o. Madhavrao Mainderkar
(Died) through his L.Rs.,
Pandit s/o. Madhavrao Mainderkar
(Died) through his L.Rs.,
Sushilabai w/o. Panditrao Mainderkar,
Age : 66 years,
Occupation : Household,
R/o. Kharosa, Taluka AUSA,
Dist. Latur
& 04 others.

.. Applicants.

versus

Vijaykumar s/o. Bhagwan Mainderkar
(Vaijwade),
Age : 60 years,
Occupation : Business,
Kapad Galli, AUSA,
Taluka AUSA, Dist. Latur
& 20 others.

.. Respondents.

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Mr. M.L. Dharashive, Advocate, for the applicants.

*Mr. R.P. Adgaonkar, Advocate, for respondents
no.01 and 02.*

Mr. V.C. Solshe, Advocate, for respondent no.03.

*Mr. V.D. Hon, Senior Advocate, instructed by
Mr. I.S. Thorat, Advocate, for respondent no.05.*

*Mr. S.S. Pawar, Advocate, for respondents no.06
to 12.*

*Mr. Amit S. Deshpande, Advocate, for respondents
no.13 to 16.*

*Mr. M.V. Ghatge, Advocate, for respondents
no.19 & 20.*

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26TH APRIL 2019

ORAL ORDER :

01. Present application has been filed for adding party to Contempt Petition No. 489 of 2012. The applicants contend that the said contempt petition has been filed on the ground that the respondents therein have committed contempt of order passed by this Court dated 08-04-1994. As regards this application is concerned, respondent in Contempt Petition No. 489 of 2012 appears to be added later on and then served with the notice and appeared in the matter on 16-06-2014. But then it is stated that in spite of having knowledge about the order after his appearance, respondent no.05 has executed gift deed on 17-11-2015 in respect of part of the suit land in favour of one Snehshri Welfare Foundation, through Director Sau. Sneha Shrishailya Utge. Photo-copy of the said gift deed has been produced on record.

02. Heard learned Advocate Mr. M.L. Dharashive

appearing for the applicants. Heard learned Senior Advocate Mr. V.D. Hon, instructed by learned Advocate Mr. I.S. Thorat, for respondent no.05. Learned Advocate Mr. I.S. Thorat waives service on behalf of respondent no.05 in this application. Since the document is a registered document, respondent no.05 is accepting execution of the said document.

03. It is to be noted, that respondent no.05 had appeared in Contempt Petition No. 489 of 2012 on 16-06-2014 through Advocate and thereafter he has filed say to the contempt petition. That is pending for consideration. However, it appears that on 17-11-2015, he has executed registered gift deed in respect of portion of the suit land. Thus, prima facie, it can be seen that in spite of knowledge of the allegations against him, he has transferred the portion of the land and, therefore, definitely case is made out to issue notice under Contempt of Courts Act against him. Taking into consideration this fact, it is necessary to add Snehshri Welfare Foundation, as described in para 06, as party to the Contempt Petition No. 489 of 2012.

04. Hence, present civil application is **allowed**. The name of proposed respondent mentioned

in paragraph no.6 of the application is permitted to be added as respondent in Contempt Petition No. 489 of 2012. Amendment to that effect be carried out forthwith.

(Smt. Vibha Kankanwadi)
JUDGE

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