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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.163 OF 2011

Shamrao Vasant Bhandawalkar & Ors. ..Petitioners.

V/s.

Smt. Laxmi Rao & Ors. ..Respondents.

Mr.Ankit Chaturvedi i/b. R.N.Gite for the petitioners.

Mr.Sushil Inamdar i/b. Mr.Vijay Killedar for the respondent Nos.1 to 5,
8 & 9.

CORAM : M.S.SONAK, J.

DATE : MARCH 22, 2019

P.C.:-

Heard Mr.Gite, learned counsel for the petitioner, Mr.
learned counsel for respondent Nos.1 to 5, 8 and 9.

2. Mr. Gite, learned counsel for the petitioner points out that
in R.C.S. No.49/2006, status quo order was made on June 9, 2006 and
despite the same, donation boxes were fixed by the trustees of the
Devasthan. He submits that it is a clear case of disturbance of status
quo order and, therefore, action under the contempt of Courts Act was
required to be taken against the trustees of Kshetra Mahabaleshwar
Devsthan Trust.

3. Since there was an issue as to whether the status quo order
was indeed in operation or not, reports were called for. Since some of

the reports were not satisfactory, by an order dated January 12, 2012, further report was called for.

4. Then Principle District Judge at Satara had made a report dated July 11, 2012 which is a part of record in this proceeding. The report indicates that at one stage there was an order directing maintaining of status quo till the next date. However, on scrutiny of certain letters, an impression was sought to be created that the status quo order was extended until further orders. The report says that no status quo order was made until further orders. The roznama of the trial Court dated June 9, 2006 also indicated that the status quo order was till the next date i.e. June 28, 2006. In the aforesaid circumstances, it cannot be said that there was any deliberate disobedience of status quo order.

5. Mr.Gite points out that even certified copies were issued of the order extending status quo until further orders. Since, there was some overwriting on the orders, it is possible that the certified copies might have been issued. However, since this is contempt petition, what is required to be examined is whether there was any deliberate disobedience of the orders made by this Court. Since there is a serious doubt as to whether status quo order existed or not, certainly it cannot be said that this is a case of any deliberate disobedience of the orders of the Court so as to invoke contempt jurisdiction of this Court.

6. Besides, the report also makes it clear that an amount of Rs.5,890/- which was collected in the donation boxes was duly deposited as per the rules.

7. In the aforesaid circumstances and taking into consideration the report dated January 11, 2012 made by the then Principal District Judge, Satara, there is no case made out to invoke the contempt jurisdiction.

8. Accordingly, the contempt proceedings is disposed of.

(M.S.SONAK, J.)