

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.517/2014

Vishnu Abba Bhosale (Patil)

... Petitioner

V/s.

Shankar Abba Bhosale (Patil)

... Respondent

Mr. Rajesh S. Patil for the Petitioner

None for the Respondent

CORAM: K.K. TATED, J.

DATED : FEBRUARY 5, 2019

P.C. :

1 Heard. By this contempt petition the Petitioner alleges that the Respondent has violated the order dated 15.01.2014 passed by this court in Writ Petition No.218/2014.

2 The learned counsel for the Petitioner submits that this court, by order dated 15.01.2014 passed in Writ Petition No.218/2014 directed the parties to maintain status quo. He submits that in spite of the status quo order, Respondent No.1 started construction on the house property bearing No.158. Hence, he has filed the Contempt Petition.

3 It is to be noted that in the present proceedings, the Petitioner had filed Misc. Civil Appeal No.19/2013 before the District Judge challenging the order dated 27.02.2013 passed by the Civil Judge, Junior Division, Shirala, Dist. Sangli below

Exhibit- 5 in Regular Civil Suit No. No.5/2013 rejecting their Application for injunction.

4 During the course of arguments of the said Appeal, the Respondent had filed an undertaking dated 11.12.2013 stating that he will carry out construction only on House Property No.158 and not in House Property No.157 and also he will not disturb the Petitioner's possession in respect of the Petitioner's house No.209.

5 Bare reading of the status quo order dated 15.01.2014 shows that this court has not restrained the Respondent from carrying out construction activity on the House Property No.158. Therefore, I do not find any substance in the Contempt Petition. Not only that, even the Writ Petition No.218/2014 filed by the petitioner stood dismissed by order of even date.

6 In view thereof, the Contempt Petition stands rejected.

7 No order as to costs.

(K. K. TATED, J.)