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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.370 OF 2017
IN
SECOND APPEAL NO.302 OF 2008

Vitthal S. Bane, since deceased through His L.Rs. Rukhmini V. Bane & Ors.	...Petitioners
V/s. Dhondhu V. Bane, since deceased through His L.Rs. - Prakash D. Bane & Ors.	...Respondents

Mr.Rajesh S. Patil for the Petitioners.

Mr.Mandar Limaye for the Respondent Nos.1-A, 1-B, 5 and 7.

CORAM : R.D. DHANUKA, J.
DATE : 17TH SEPTEMBER, 2019.

P.C. :-

1. By this contempt petition the petitioner (original appellants in the second appeal) seek initiation of contempt proceedings against the respondent nos.1-A, 1-B, 5 and 7 under the provisions of the Contempt of Courts Act, 1971 alleging breach of the order dated 22nd July, 2009 passed in Second Appeal No.302 of 2008 passed by this Court.

2. A perusal of the record indicates that on 4th July, 2008, learned District Judge – 1 in Civil Appeal No.84 of 2003 filed by the plaintiffs had allowed the appeal and had set aside the judgment and decree passed by the learned trial Court. By the said order, the first Appellate Court had held that the prayers of the plaintiffs not to

disturb the ingress and egress of the plaintiffs is granted. The first Appellate Court also directed the defendants that the well dig up in the agricultural land on survey no.93 and old survey no.137 which is disputed fact and the same be closed off pursuant to the said order. This Court in the second appeal passed an order dated 17th April, 2008 directing the parties to maintain *status-quo* i.e. on the date of the said order until further orders. On 22nd July, 2009, the second appeal filed by the petitioners herein came to be admitted. This Court granted stay of the execution and operation of the impugned decree by the said order.

3. Mr.Patil, learned counsel appearing for the petitioners invited my attention to the letter dated 26th April, 2017 issued by the Office of Grampanchayat and some of the exhibits annexed to the contempt petition and would submit that the Grampanchayat is forcing the petitioners to transfer the suit property by gift and are interfering with the alleged possession of the petitioners.

4. On perusal of the decree passed by the first Appellate Court clearly indicates that there was no injunction against the respondents herein. The order of status-quo initially passed by this Court on 17th April, 2008 was substituted by the stay order dated 22nd July, 2009. The contesting respondents who are parties to this contempt petition have nothing to do with the Grampanchayat who had addressed the alleged letter asking the petitioners to give the property by gift. In my opinion, none of the respondents have

committed any contempt of the order passed by this Court. The contempt petition is thoroughly misconceived and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)