

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Contempt Petition No. 69 of 2019 in Writ Petition No. 6047/2017

Dilip Borkar Vs. Sudhakar Borkar and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. R.S. Sirpurkar, Advocate for the petitioner
Mr. K.K. Gour, Advocate for the respondents No.1 to 3.

CORAM : MANISH PITALE, J.

DATED : MARCH 02, 2020

By this contempt petition, it is alleged by the petitioner that the respondents are violating the undertaking given before this Court as recorded in order dated 05/09/2018, when Writ Petition No.6047/2017, was disposed of. In the writ petition, challenging concurrent orders rejecting application for temporary injunction filed by the petitioner, this Court found that the writ petition could be disposed of on a statement made on behalf of the respondents to the effect that the petitioner could continue to use the public road in question and that the respondents would not obstruct the petitioner from using the same.

2. It is contended on behalf of the petitioner that despite such undertaking, the respondents have obstructed the use of public road by the petitioner. In the reply filed on behalf of the respondents, this is

denied. It is claimed by the respondents that they are not obstructing the use of road by the petitioner or any of the villagers as road in question is a public road.

3. Looking to the statements made on oath by the rival parties and considering the nature of dispute, this Court is of the opinion that the controversy can be finally put to rest by expeditious disposal of the pending suit.

4. In view of above, the contempt petition is disposed of with a direction to the Court of Civil Judge (Senior Division), Washim, to dispose of the Regular Civil Suit No. 176/2016, expeditiously and in any case within a period of three months from today. The parties shall co-operate with the said Court for disposal of the suit within the aforesaid period of time.

JUDGE