

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

**924 CONT. PETITION NO.437 OF 2020
IN FA/3069/2016**

SURESH KERBA GAVALI AND ORS
VERSUS
PRAMODKUMAR SHARADKUMAR TIWARI AND ORS

...
Advocate for Petitioners : Mr. Kedar S. R.
Advocate for Respondents No.1 and 2 : Mr. L. H. Kawale.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 03-03-2021.

PER COURT :

1. Heard both sides.
2. The learned Advocate for the petitioners is submitting that the petition is not beyond limitation, but when he was asked to point it out which order is allegedly violated, he is pointing out towards the order passed by this Court in Second Appeal No.820 of 2009 on 26-04-2010 which stated that, the matter was adjourned to 23-06-2010 and "in the meantime, parties are directed to maintain status-quo". At this stage, there is no document produced by him on record to show that this order was got extended till today. As per his submission the said second appeal is still pending before this Court.

3. It appears from the documents those have been filed on record that there are some orders passed by various Courts in favour of the present petitioner, but then it appears that some revenue authorities had passed certain orders in favour of the respondents No.1 and 2 which later on the petitioner has got stayed from the higher revenue officer. The learned Advocate for respondents No.1 and 2 admits that on the application by the respondents No.1 and 2, the mode of the land has been changed from "3" to "1". However, he accepts that the said order is now stayed so also the mutation entry is also stayed. He is making a statement that the respondents No.1 and 2 will not create any third party interest in the land Survey No.359, 363, 551 admeasuring 66 Acres till the disposal of the Second Appeal No.280 of 2009 with companion second appeal which is now renumbered as First Appeal No.3069 of 2016.

4. In view of the said statement, there is no necessity to take any action under the Contempt of Courts Act against the respondents. The petition stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-