

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

CONTEMPT PETITION NO.238/2019 IN WRIT PETITION NO.4944/2017

Rajendra s/o Pandurang Ghumare

..VS..

Smt.Indubai Trayambak Tapare and ors

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

Court's or Judge's Order

.....
Shri S.G.Joshi, Counsel for the petitioner.

Shri M.V.Rai, Counsel for respondent No.3,4 and 6.

CORAM : V.M.DESHPANDE J.

DATED : FEBRUARY 02, 2021.

1. This contempt petition is filed under Section 12 of the Contempt of Court's Act, 1971 read with Article 215 of the Constitution of India stating therein that respondents have committed contempt of order of this Court.
2. The petitioner is also petitioner in Writ Petition No.4944/2017. The said petition is filed for following reliefs:

“(i) Quash and set aside the order dated 11.04.2017 passed by the Hon’ble Revenue Minister in Appeal No.2015/C No.177/J-9 (Annexure P-7), so also the order dated 30.04.2015 passed by respondent No.1 additional charge held Dy.Director, L.R. Nagpur in Appeal No.721 of 2014 (Annexure P-5) and quash and set aside the order dated 30.06.2014 passed by the respondent No.2 in Appeal No.902 of 2013 (Annexure P-4) and thereby dismiss the appeal No.902/2013 filed by the respondent Nos.4 and 5, in the interest of justice.

(ii) During the pendency of the present petition, stay the effect, operation, execution

and implementation of the order dated 11.04.2017 passed by the Hon'ble Revenue Minister (Annexure P-7) so also the order dated 30.04.2015 (Annexure P-5) passed by respondent No.1 Additional charge held Dy.Director, L.R. Nagpur in Appeal No.721 of 2014, in the interest of justice.

(iii) Grant ad-interim exparte relief in terms of payer clause (ii) of the petition.

(iv) Grant any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

3. This writ petition came up for admission before this Court (Coram : P.N.Deshmukh, J.) on 31.7.2017. On the said day, the Court passed following order:

"Issue notice to respondents, returnable on 11/9/2017.

Shri Lule, learned Assistant Government Pleader waives notice for respondent nos.1 to 3. Shri Saboo, learned counsel waives notice for respondent nos.4 and 5.

In the meantime, parties shall not create any third party interest in respect of suit property."

4. According to learned counsel Shri S.G.Joshi for the petitioner, respondents have flouted the order inasmuch as they have inducted respondent No.7 as tenant.

5. Notice before admission of this contempt petition was given and pursuance to the said respondent Nos.1 and 2 filed their submissions. It is their contention that respondent No.7 is

not tenant but he is a security guard. The petitioner could not file any documents on record or any other clinching evidence to point out that respondent No.7 is inducted as tenant.

6. In absence of any clinching evidence to show that respondent No.7 is inducted as tenant, bare statement on the part of the petitioner cannot be accepted. The petitioner could not point out that there is a breach of the order passed by this Court. There is no merit in the contempt petition. The contempt petition is dismissed and disposed of accordingly. No costs.

JUDGE

!! BRW !!

...../-