

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

CIVIL APPLICATION NO. 4120 OF 2022
IN WP/9242/2011 WITH WP/9242/2011

PRABHAKAR DATTATRAY KULKARNI SINCE DECEASED THROUGH
LRS ARVIND PRABHAKAR KULKARNI AND ANOTHER
VERSUS
SHAIKH HAMID DAGADU AND OTHERS

Advocate for Applicants : Mr. Rahil Kazi h/f. Mr. PR. Katneshwarkar
Advocate for Respondent No. 1 to 3 : Mr. Nisargraj h/f. Mr. V.D. Salunke
AGP for Respondent Nos. 5 to 8 : Mr. R.D. Sanap

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 24.03.2022

PER COURT :

1. The applicants – original respondent Nos. 6 and 7 have taken out this Civil Application, *inter alia*, praying for vacating ad-interim relief granted in favour of the petitioners, whereby, the parties were directed not to act upon the impugned order dated 23.11.2011 passed by MRT, Aurangabad.

2. It is the contention of the learned counsel appearing for the applicants that the original petitioners have committed contempt of this Court by effecting partition of the suit land and mutating names of their brothers. It is further pointed out that Yusuf Dagdu Shaikh has sold the land to one Sachin Laxman Ige by sale deed bearing No. 751/2021 dated 31.03.2021. Copy of the same is filed on the record.

Thus, it is apparent that the petitioners have created third party interest qua the suit property without prior permission of this Court.

3. Learned counsel has drawn my attention to an order passed by the Tahsildar dated 20.08.2021, by which, the Tahsildar refused to effect the mutation entries in respect of the property in view of the order passed by this Court on 02.07.2013.

4. *Prima facie*, there is a substance in the application moved by the applicants – original respondent Nos. 6 & 7.

5. The interim relief granted by this Court, therefore, stands vacated.

6. *Prima facie*, it appears that the petitioners have committed the contempt of an order of this Court passed on 02.07.2013. The said point is kept open. Civil Application stands disposed of.

7. Learned counsel Mr. Nisargraj Garje, seeks time to file reply in Writ Petition No. 9242/2011. At his request, stand over to 07.04.2022.

[PRITHVIRAJ K. CHAVAN, J.]