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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 482 OF 2022
IN
WRIT PETITION NO.4139 OF 2000**

Moreshwar Hari Bhide and Others
(since deceased through his Executor)

Suresh Bandu Bhole and Anr.

.... Petitioners.

V/s

Baban Ganpat Gilbile

.....Respondent.

Mr. PB. Shah a/w Mr. Sandeep Patad a/w Anuj Kathed i/b Kayval P.
Shah for the Petitioners.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 01, 2022

PC.:-

1] Contentions of Mr. Shah are, Writ Petition of the Respondent being Writ Petition No.5829 of 1999 was disposed of on 20/10/1999 with following observations:-

“4. Hence, I pass the following order :-

The order dated 18-9-1999 is set aside. It is not necessary to set aside the order dated 12-10-1999 passed by the Additional Commissioner, Pune Division, Pune. The matter is remanded to Respondent no.2 for

fresh consideration of the matter. Respondent No.2 to decide the question of allotment after hearing the petitioner as well as Respondent no.3.

Rule absolute accordingly. No costs.”

2] He would then urge that as a consequence of aforesaid observations, allotment in favour of the Petitioner was cancelled which has led to filing of Writ Petition No.4139 of 2000. Counsel would urge that in spite of there being order of status quo in Writ Petition No.4139 of 2000 passed on 27/9/2000 which still holds the field, Respondent/contemnor has carried out change in Mutation Entry on 30.6.2006.

3] The order of which contempt is alleged was passed in Writ Petition No.4139 of 2000 on 27/09/2000. Fact significant for alleging contempt was change of Mutation Entry in spite of order of status quo. I am informed that such change in Mutation Entry was effected in 2006 against which Appeal of the Petitioner is informed to be pending before the Revenue Authority.

4] In the aforesaid backdrop, if this Court appreciates limitation prescribed under the Contempt of Courts Act for taking cognizance which is for one year as provided under Section 20 of the said Act, such a prayer is barred by limitation.

5] Contempt Petition is accordingly dismissed.

6] However, it is observed that Appeal of the Petitioners which is pending adjudication before the Revenue Authority, questioning the Mutation Entry be decided without being influenced by this order passed in Contempt Petition.

(NITIN W. SAMBRE, J.)