

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

WRIT PETITION NO.1011 OF 2022

1. Sau. Snehal Sharad Jog,
Aged about 55 years,
Occupation – Service,
Head Mistress,
Pragatik Girls High School,
R/o. Gandhi Ward, Desaiganj,
Tah. Desaiganj, Distt. Gadchiroli.

2. Shri Nilind Vishwanath Meshram
Aged 48 Yrs, Occ. : Service,
R/o. Pragatik Girls High School,
Desaiganj, Tah. Desaiganj,
Distt. Gadchiroli.

..... **PETITIONERS**

...V E R S U S...

1. Gramin Vikas Shikshan Sanstha,
Churmura, Tah. Armori, Distt. Gadchiroli
through its President, Shri Sudhir Abhiman
Ramteke, Aged 63 years, Occ.: Retired,
R/o. Badegaon Ward, Bramhapuri,
Distt. Chandrapur.

2. Smt. N.J. Meshram
Aged 55 Yrs. Occu.: Service,
Head Mistress, Yuvak Vidyalaya,
Vihirgaon, Tah. Desaiganj,
Distt. Gadchiroli.

..... **RESPONDENTS**

Mr. Anil P. Thakare, Advocate for Petitioners.

Mr. A. Z. Jibhkate, Advocate for Respondent 1.

Mr. S. D. Abhayankar, Advocate for Respondent 2.

CORAM: **ROHIT B. DEO, J.**

DATE: **17th MARCH, 2022.**

ORAL JUDGMENT:

By the order impugned the learned Civil Judge has directed issuance of notice to defendant 1 – petitioner 1 herein to personally appear and show cause why her property should not be attached and she should not be detained in Civil Prison for disobedience of the injunction order.

2. The short submission of the learned counsel for the petitioner Mr. A. P. Thakare is that the order impugned militates against the decision in *Rampyaribai wd/o Sukhdeo Daga v. Niladevi wd/o Narayandas 2007(4) Mh.L.J. 213*. The specific submission is that notice could not have been issued without registering separate and independent proceedings under Order 39, Rule 2A of the Civil Procedure Code (Code).

3. In all fairness the learned counsel for the management Mr. A. Z. Jibhkate does not dispute the proposition articulated by the petitioner, and which is accepted by this Court in *Rampyaribai Daga v. Niladevi wd/o Narayandas*.

4. The order impugned is quashed with a direction to the learned Civil Judge to register separate and independent

proceedings consistent with the observations of this Court in *Rampyaribai Daga v. Niladevi wd/o Narayandas*.

5. The petition is disposed of.

JUDGE

NSN