

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.113 OF 2022**

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Rajaram Janu Chaynakhawa

...Petitioner

V/s.

Haribhau Govind Tiwalekar

...Respondents

(Since deceased through legal heirs)

Vidyut Haribhau Tiwalekar & Ors.

Mr. Pradeep D. Dalvi, for the Petitioner.

Mr. Ajay Joshi i/b Rahul M. More, for the Respondents.

CORAM : MADHAV J. JAMDAR, J.

DATE : 8th FEBRUARY, 2023

P.C.:

1. Mr. Dalvi, learned counsel appearing for the Petitioner states that, as the Second Appeal No.177 of 2010 is abated, he is not pressing the Contempt Petition.

2. By order dated 18th October, 2010 passed in the Civil Application No.649 of 2010 in Second Appeal No.177 of 2010, prayer clause (a) of said Civil Application was granted. The said prayer clause (a) reads as under :

“(a) Pending the hearing and final disposal of the above Second Appeal, Your Lordship may be pleased to restrain the Respondents by an order of injunction from transferring, alienating, creating third party interest of

whatsoever nature or parting possession of/in the Suit land being Eastern portion of 17.2 Ars from Survey No. 120/1/1 and Survey No. 120/1/2, totally admg. 34.4 Ars, situate at Village Chaul (North Division), Taluka Alibag, District Raigad more particularly described in Para 2 of the Plaint;”

3. Therefore, it is clear that, the Respondents were injuncted from transferring, alienating, creating third party interest or parting with possession of the suit land as more particularly set out in prayer clause (a). The Petitioner in the Contempt Petition is the Respondent No.3. By above direction Respondents in the second Appeal were *inter alia* injuncted. There was no direction against the deceased Appellant in Second Appeal i.e. Haribhau Govind Tiwalekar. Therefore, there is no question of commission of contempt of Court by the present Respondents who are the heirs of deceased Appellant-Haribhau Govind Tiwalekar.

4. Thus, this Contempt Petition is misconceived and dismissed as such.

(MADHAV J. JAMDAR, J.)