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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 528 OF 2024
IN WP/3398/1998

SAHEBRAO RAMCHANDRA SURYAWANSHI

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUHG SUPERINTENDENT
OF POLICE AND OTHERS FORMAL PARTY

.....Respondent

.....
Advocate for the Petitioner : Mr. Patnurkar Vinayak. D.
AGP for Respondents: Mr. A.S. Shinde.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 18TH JUNE, 2024.

ORDER :-

This court disposed of the writ petition NO. 3398 of 198 vide order dated 5.4.2018. Para.No. 13 of the said order reads as under :-

“13. Respondent No.6 is given time till 30th of June, 2011 to file such suit as he may be advised before competent forum for redressal of his grievance. Till then, neither the petitioner nor Respondent Nos. 7 and 8 or other purchasers from her, shall create any third party interest or other encumbrances on the suit property to the prejudice of claim of Respondent No.6..”

2. Mr. Patnurkar, learned advocate for the petitioner submits that the petitioner has filed R.C.S. No. 268 of 2011 in pursuance of the

aforesaid directions and said suit is still pending. According to him, in view of the directions of this Court, respondents were under obligation not to create any third party right in the suit property. However, the respondents have executed agreement in respect of suit property. As such, respondents have indulged in violation of the directions given by this Court and, therefore, liable to be dealt with under the provisions of the Contempt of Courts Act.

3. The plain reading of the directions given by this Court depict that the petitioner was given leverage to approach the Civil Court and ventilate his grievances and to enable him to do so, time till 30.6.2011 was granted. Till then, directions were given that no third party interest or other encumbrances on the suit property be made to prejudice the claim in the suit. Therefore, it is clear that effect and operation of the directions given by this Court was to remain in force till 30.6.2011 only and once the suit is filed, such protection was to be discontinued. Any transaction made after filing of suit would not be governed by limited protection that ended on 30.6.2011.

3. Resultantly, no case is made out to exercise jurisdiction under the provisions of Contempt of courts Act. Hence, the contempt petition is rejected.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-