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CP 577.21 r.odt

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

CONTEMPT PETITION NO. 577 OF 2021
IN
WRIT PETITION NO. 14989 OF 2023

PARBATA JIJA POTE DIED THROUGH LRS MUKTABAI UDDHAV
AGHAV AND OTHERS
VERSUS
RUPA VITTHALRAO CHITRAK

Advocate for the Petitioner : Mr. Darandale Abhijit C.
Advocate for Respondents : Mr. Vijay R. Autade For R.nos. 1 To 3.

CORAM : S.G. CHAPALGAONKAR, J.

DATE :- 29TH JULY, 2024.

ORDER :-

1. The petitioner contends that he had challenged the sale deed No. 3853 of 2005 before the District Deputy Registrar in Application No. 16 of 2017 being money lending transaction in respect of land Gat No. 124. On 2.5.2018, the application was allowed the the sale deed was declared as illegal. Consequently, a mutation entry No. 864 dated 28.5.2018 was certified, deleting the name of the money lender and replacing it by the name of the petitioners. The respondent filed appeal before the Divisional Joint Registrar against the order passed by the District Deputy Registrar. The said appeal was rejected. However, in Revision No. 32 of 2019, the Registrar General of Money Lenders, partly allowed the revision and remanded matter back to the District Deputy Registrar for afresh hearing. The petitioner immediately filed W.P. No.

14389 of 2019 and challenged the order passed in revision by Registrar General. The writ petition was placed for consideration before this court on 28.11.2019. This Court was pleased to grant status-quo as regards the property in issue. The petitioner has immediately communicated the aforesaid orders to the respondent and requested to maintain the entries in the revenue record.

2. However, due to outbreak of Corona Pandemic 2019, the matter could not be heard on returnable date, but by general orders passed by this court dated 26.3.2020, all interim orders were continued and the Government agencies or instrumentalities were expected to be slow in taking any coercive steps. In spite of aforesaid facts, respondents have changed the mutation entry stating that the interim relief was not continued. According to Mr. Darandale, the act of respondents is contumacious and requires to be dealt with under the provisions of the Contempt of Courts Act.

3. Per contra, Mr. V.N. Autade, learned advocate for respondents submit that the interim relief granted by this court vide order dated 28.11.2019 was till the returnable date i.e. on 22.1.2020. Thereafter, it was continued from time to time till 15.4.2020. Thereafter, by general order passed by this Court in W.P. Urgent 2 of 2020 (suo motu) all such interim reliefs were continued but by a specific order of 9.12.2020, those were lastly continued up to 31.1.2021. Thereafter public authorities were given liberty to enforce the order passed against the parties, in accordance with law. Thereafter, vide order dated 24.3.2021, interim reliefs were again continued. He would point out that during this period i.e. 9.3.2021, the mutation entry was changed as no interim relief

was in force. Therefore, there is no deliberate disobedience of any order passed by this Court.

4. Having considered the submissions advanced, it is not in dispute that this Court vide order dated 28.11.2019, in W.P. No. 14387 of 2019, was pleased to grant stay to the order passed by the Registrar General in Revision No. 32 of 2019. It was for limited period and was to operate till 21.1.2020 and then continued till 15.4.2020. It is true that thereafter, in view of COVID 2019 Pandemic situation, this Court in *Suo Motu* W.P. No. 2 of 2020, continued the interim reliefs subsisting from 26.3.2020 onwards. However, by a specific order dated 9.12.2020, the operation of such interim orders was extended only till 31.1.2021 and thereafter, public authorities were granted liberty to enforce the orders.

5. Admittedly, the mutation entry was changed on 9.3.2021. On this day, neither the interim relief granted by this Court was in operation by specific order in force nor any general order or notification was operating, giving continuity to the interim order that was already passed. After examining this aspect, the respondents have given effect to the order of Registrar General and effected change in mutation record.

6. Mr. Darandale, learned advocate for the petitioner, relying upon the judgment of the Allahabad High Court in case of ***Vishal Datta Sharma vs. Regional Director of Education, AIR 2001 All. 165***, contends that time bound order has the same effect as an order till further orders of the Court. In other words, it continues to operate till its recall, vacated or modified. Pertinently, the aforesaid position has been reiterated by the Single Judge of the Allahabad High Court referring to Chapter 5 Rule 13

and Allahabad High Court Rules, 1952. It may also be possible to argue that in general parlance, the authorities shall not disturb the position that was sought to be maintained under the interim order only because it is not continued for some intervening period due to technical reasons. However, to invite contempt of court, there must be deliberate or intentional act of a party showing disrespect or disregard to the existing order. In the present case, interim order was not in force by any means. The respondents have caused change in the mutation entry within their authority. Therefore, no case is made out to take cognizance under the Contempt of Courts Act. Consequently, the contempt petition stands rejected.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-