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915cp980.24

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

915 CONT. PETITION NO. 980 OF 2024

AELEA COMMODITIES PRIVATE LIMITED, THRU. ITS
AUTHORISED REPRESENTATIVE MR. HOZEFA JAWADWALA
....Petitioner

VERSUS

SHREE SATPUDA PARISAR SAHAKARI SAKHAR KARKHANA,
THRU. CHAIRMAN AND M.D. DEEPAK P. PATIL
.....Respondent

Mr. A. S. Radikar, Advocate for the petitioner
Mrs. D. S. Jape, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 28th NOVEMBER, 2024

P. C.

1. Heard.

2. This contempt petition is filed seeking initiation of action for non-obeying the order passed by the learned District Judge, Nandurbar dated 16-02-2024 on an application Exh.38 and 39 in Special Darkhast No. 1/2023. The learned District Judge had directed the bailiff to break the lock of the respondent factory in case of exigency. The police was also

directed to provide protection to the decree holder on payment of charges.

3. It is contended by the learned advocate for the petitioner that these respondents did not allow the bailiff of the court to enter in premises in spite of specific order passed by the executing court.

4. The petitioner has relied upon a judgment reported in 2014 AIR SCW 1218 in the case of Ram Kishan Vs Tarun Bajaj and others wherein it is observed that contempt jurisdiction is powerful weapon in the hands of the courts of law Contempt jurisdiction can be exercised when it is pointed out that there is disobedience of the order is willful.

5. This court finds that the judgment is not for contempt of orders passed in execution proceeding. In that case order of writ court was to give backwages and that was not obeyed by the respondents therein and in that view judgment

was passed. This court finds that same is not applicable in the present case.

6. There are sufficient provisions made under the order 21 C.P.C. for execution of the decree. The petitioner has to take recourse to those provisions. It is for executing court to see that the orders are executed and to pass the necessary orders for the said purpose. When express provisions are there in order 21 of the C.P.C. this court finds that the contempt petition need not be entertained. No case is made out for initiation of action of contempt against the respondents.

7. It is made clear that the petitioner is free to take action permissible under the law in the execution proceeding.

8. With this, the petition stands disposed off.

[KISHORE C. SANT, J.]