

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 242 OF 2024

Anjana Padmagonda Patil Since (deceased)	...Petitioner
Versus	
Rajgonda Bhimgonda Patil	...Respondent

....

Mr. Pratap Nimbalkar, for the Petitioner.

Mr. Pandit Kasar for respondent Nos.3 & 4.

Mr. Parag Tilak for Respondent Nos.1 & 2.

Mr. Y. D. Patil, A.G.P. for the Respondent – State.

....

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	28th JUNE 2024

P.C.:

1. The petition seeks to take action against the respondent Nos.3 & 4, deceased through their Legal heir Amol Rajgonda Patil for action of contempt of Court for violation of the order dated 27.09.2018 passed by this Court in Writ Petition No.10436 of 2016 which directed the parties to maintain status quo, by contending that a Sale Deed has been executed by the Respondent Nos.3 & 4 through their above named legal heir on 22.01.2024 by transferring title to the property in question in favour of third parties.

SAJAKALI
LIYAKAT
JAMADAR

Digitally signed
by SAJAKALI
LIYAKAT
JAMADAR
Date:
2024.06.29
12:33:24
+0530

2. Mr. Kasar, appearing for the legal heirs of Respondent Nos. 3 & 4 invites my attention to the subsequent order dated 16.07.2019 by which Writ Petition No.10436/2016 was admitted after hearing the learned counsel for the respective parties and interim relief in terms of prayer clause (c) of the petition was granted, which would indicate by the principle of merger the order dated 27.09.2018 stood merged in the order dated 16.07.2019. Prayer clause (c) in Writ Petition No.10436/2016 reads as under:

“(c) pending the hearing and final disposal of the present Writ Petition, the impugned undated Judgment and Order passed by the Hon’ble Minister (Revenue), State of Maharashtra in RTS No.3815/996/CSE NO.203/J-5A, being Exh.O to the present Writ Petition, be stayed”.

3. It would therefore be apparent that there is no stay of alienation of the immovable property granted by this Court, considering which, there is no reason why the jurisdiction of this Court under Section 10 of the Contempt of Courts Act should be invoked. The petition is therefore dismissed.

(AVINASH G. GHAROTE, J.)