

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 196 OF 2024.

Rajendra Uttamchandra Lodha

...Petitioner.

Versus

Ramchandra Hari Adhari

...Respondent.

Mr. Prathamesh Bhargude a/w Mr. Sumit Sonare for the Petitioner.
Mr. Vanraj Shinde for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : November 29, 2024.

P. C. :

1. Heard.
2. By this Petition, the contempt is alleged of the order dated 16th October 2023, by which this Court had directed the parties to maintain status quo with regard to the property in question till the disposal of the Revision Application by the Tribunal.
3. Learned Counsel appearing for the Petitioner would submit that the Revision Application is pending before the Tribunal and despite thereof the Contemnor has changed the structure in question and has constructed a house by pointing out to the photograph which are annexed to the Petition. He would further submit that the complaints which are made to the police would indicate that the said premise is thereafter being given for functions to third party which is in

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violation of order dated 16th October 2023.

4. Learned Counsel appearing for the Respondent-Contemnor would submit that the activity of construction of the house which is farm house situated on the agricultural land was completed prior to the order dated 16th October 2023. He points out to the communication dated 30th March 2023, by which the funds were made available for the said construction and also points out the complaint dated 7th September 2023, filed by the Petitioners with the Group Grampanchayat objecting to the name of the house being taken on the revenue record, in view of the pending Writ Petition. He submits that it is therefore clear that the construction was completed prior to the passing of the order dated 16th October 2023.

5. By the order of which contempt is alleged, the parties were directed to maintain status quo. The fact that the Petitioners themselves had complained to the Group Grampanchayat on 7th September 2023, objecting to the house being recorded in the assessment extract would indicate that the construction was completed before the order dated 16th October 2023, was passed. Further the communication of 30th March 2023, lends credence to the submission of the learned Counsel appearing for the Respondent. While passing the order of status quo the then prevalent position is not noted and the documents on record would indicate that the house

has been constructed prior to the passing of the order of status quo. From material on record I do not find any willful or deliberate non compliance of the order dated 16th October 2023.

6. Mr. Bhargude, would submit that considering that the status quo was directed by this Court the property in question cannot be given for functions. However learned Counsel appearing for the Respondent-Contemnor would submit that no permanent third party rights have been created.

7. In light of the above, I find no merit in the Contempt Petition. As the order of status quo has been directed by this Court no permanent third party rights can be created by the parties in the concerned property.

8. The Petition stands dismissed.

[Sharmila U. Deshmukh, J.]