



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.584 OF 2024

Shri Chintaman Pandharinath Kamlaskar
(Since deceased) Thr. LR's
Mahendra Chintaman Kamlaskar And Ors.

...Petitioners

Versus

Rohidas Baban Warule & Ors.

...Respondents

Adv. Amit A. Garte for the Petitioner.

Adv. M. P. Thakur AGP for the State.

*Adv. Sachindra B. Shetey a/w Akshay Pansare & Nipun Sawant for Respondent
Nos. 2 to 4.*

Coram : Sharmila U. Deshmukh, J.

Date : October 16, 2024.

P. C. :

1. Not on board. Upon mentioning, taken on board.
2. By this Petition, contempt is alleged of the order dated 8th January, 2020 read with order dated 4th October, 2024 passed by this Court by which ad-interim relief in terms of prayer clause (c) was granted staying execution of the order dated 4th December, 2019 passed by the MRT, order dated 30th May, 2019 passed by the Assistant Collector and Sub-Divisional Officer, Kalwan were stayed. The stay which was granted in the year 2020 was thereafter continued and on some dates, inadvertently, the same was not continued.
3. Pertinently, on 9th September, 2024, the interim relief granted earlier was continued and thereafter on 4th October, 2024 the same was again continued and the matter was stood over to 20th November, 2024.

4. Learned counsel for the Petitioner points out the notice for hearing on 27th June, 2024 issued by the Tahsildar for executing the order of MRT and the communication dated 2nd July, 2024 by which the advocate for the Petitioner responded to the notice pointing out the orders passed by this Court and requesting the Tahsildar not to proceed with the hearing.
5. Despite thereof, the Tahsildar proceeded with the hearing of the matter and by order dated 8th October, 2024, allowed the Application of the Respondents.
6. Pertinently, clause No. 2 of the order dated 8th October, 2024 directs that the action be taken for handing over possession subject to the final orders being passed by this Court. It is therefore clear that the Tahsildar was well aware about the pendency of the matter before this Court and despite thereof *prima facie* breached the orders passed by this Court and proceeded with the matter and directed the possession to be handed over.
7. Considering that the matter was subjudice before this Court and an interim relief was granted which was operating since almost four years and was brought to the notice of the Tahsildar, *prima facie* there is a violation of the orders passed by this Court.
8. Issue contempt notice to Respondent No. 1 Rohidas Babanrao Warule who is presently incumbent of the Tahsildar Officer at Kalwan under Chapter XXXIV of the Bombay High Court Appellate Side Rules, 1960 returnable on **27th November, 2024**.
9. Till the next date, order dated 8th October, 2024 is stayed.

[Sharmila U. Deshmukh, J.]