



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CONTEMPT PETITION NO.260 OF 2022
IN
WRIT PETITION NO.4664 OF 2017 (D)

(Madhukar S/o Laxman Tryambake and another Vs. Shri Ram Murti, The Collector,
Buldhana and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M. P. Kariya, Advocate for Petitioners.
Mr. V. K. Paliwal, Advocate for Respondent Nos.8 and 9.
Ms. Mayuri Deshmukh, AGP for Respondent/State.

CORAM: ANIL L. PANSARE, J.

DATE: 16th JULY, 2024.

Heard.

2. The contempt jurisdiction is invoked on the ground that the order passed by this Court dated 10.06.2022 has been not complied with by the original respondent Nos.8 and 9 (original respondent Nos.1 and 2). The effective part of order reads thus:

(5) *In view of the said fact, it appears that the parties are ad litem insofar as the enforcement of clause mentioned in the Sale-Deed is concerned. With the result, the order passed by the Mamlatdar can be clarified to mean that the Respondent Nos. 1 and 2 are entitled to use the road which is mentioned in the aforesaid clause. It is made clear that the Respondent Nos. 1 and 2 shall not claim any other right of way than the way mentioned in the above clause.*

(6) Both the learned Advocates state that their respective clients are present in the Court and as per their instructions, they are agreeable for following the aforesaid course.

3. The respondent Nos.8 and 9 have filed affidavit stating therein that they have approached and are approaching their field in terms of the order passed by this Court viz. they are approaching from the fields boundary of two gat nos.179 and 180 and not from the field of the petitioners. As against, the petitioners have come up with a case that they have violated the order passed by this Court.

4. Thus, there is statement against statement. In other words, there are disputed questions of fact which cannot be gone into contempt jurisdiction. The petitioners, therefore, failed to make out a case that the respondent Nos.8 and 9 have willfully disobeyed the order passed by this Court.

5. The contempt petition is accordingly dismissed.

(ANIL L. PANSARE, J.)