



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

WRIT PETITION NO. 975 OF 2024

(Shipra Arvind Khorgade Vs. The Naib-Tahsildar, Saoner & Anr.)

WITH

CONTEMPT PETITION NO. 94 OF 2024

IN

WRIT PETITION NO. 975 OF 2024

(Shipra Arvind Khorgade Vs. Vijay Kohle, the Naib-Tahsildar, Saoner)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.D. Dhande, Advocate for the Petitioner.

Mrs. Mrunal Naik, AGP for the Respondent/State.

Mr. P.V. Dandwate, Advocate for the Respondent No.2 in WP. No. 975/2024.

CORAM: N.R. BORKAR, J.

DATED : 9th JULY, 2024

Heard.

2. This Petition takes exception to the order dated 28.11.2023 passed by the Respondent No.1/Naib Tahsildar, Saoner in Revenue Case No.5/S.R.V-43/2023-24.

3. According to the Petitioner, she is the owner of land bearing Survey No. 119/2 admeasuring 1.62 HR situated at Mouza Bhendala, Tahsil Saoner, District Nagpur.

4. One Pushpa Patil had filed the suit and sought partition and separate possession of Survey No.119 admeasuring 10.60 HR and other properties. On 25.04.2022,

the suit was decreed. The Respondent No.1 has initiated the above proceeding pursuant to the said decree of partition.

5. The learned Counsel for the Petitioner submits that, the Petitioner was not made party to the suit. It is submitted that, no notice was issued to the Petitioner before passing the impugned order of partition.

6. By order dated 12.02.2024 passed by this Court the impugned order of partition was stayed.

7. The Petitioner has filed the Contempt Petition alleging that inspite of the above order passed by this Court dated 12.02.2024, on 13.02.2024 the Respondent No.1 has deleted the name of the Petitioner from 7/12 extract of Survey No. 119/2. According to the Respondent No.1, the order passed by this Court was not communicated to him.

8. Be that as it may, considering the facts and circumstances, the Respondent No.1 shall restore the position which was prevailing at the time of order dated 12.02.2024 passed by this Court in respect of Survey No.119/2.

9. Considering the fact that the impugned order is passed pursuant to the decree passed by the Civil Court no relief can be granted to the Petitioner in the present Petition. However, it would be open to the Petitioner to file appropriate proceedings and seek appropriate relief in respect of decree dated 25.04.2022. The order impugned to the extent Survey No.119/2 shall not be implemented for the period of two months.

10. The Petitions are **disposed** of in above terms. No costs.

11. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)

SD. Bhimte