



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 324 OF 2025
IN CRA/139/2024**

Kamal Narayan Hajare

.. Petitioner

Versus

Subhash Kondaji Raut

.. Respondent

Mr. S. D. Jayabhar, Advocate for the Petitioner.

Mr. Azizoddin R. Syed, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 14th NOVEMBER, 2025.

PER COURT :-

1. Heard the parties for some time.
2. This contempt petition is filed challenging contempt of order dated 18.12.2024 passed in C.R.A. No. 139/2024 committed by the respondents. By way of said order, C.R.A. came to be dismissed. However, the execution of the judgment and decree of eviction under challenge was kept in abeyance till 23.07.2025. The present petitioner – original defendant No. 2 was directed to vacate the suit premises and to hand over the possession to the plaintiff i.e. present respondent on or before 23.07.2025. It is the

case of the petitioner that, the said order dated 18.12.2024 was passed in presence of the learned advocate for the respondent/ alleged contemnor and thus the respondent had the knowledge of the order. In spite of this, the possession was deliberately taken with the help of the bailiff of the Court and report was prepared on 19.12.2024.

3. The learned advocate Mr. Jayabhar for the petitioner thus submit that, there is clear case of contempt committed by the respondent and prays for initiation of action. He relies upon the possession receipt executed on 18.12.2024 and the report of the bailiff dated 19.12.2024 in support of his case.

4. The learned advocate Mr. Syed for the respondent on the other hand submits that, the order was passed on 18.12.2024. Before the order could be communicated, the possession was already handed over in the presence of the bailiff. There is nothing in the panchanama showing that, even the petitioner had the knowledge of this order and he informed about the order to the bailiff and to the respondent. He thus submits that, no case of contempt of Court is made out against the respondent.

5. This Court has seen the report of the bailiff. The bailiff has prepared the report on 19.12.2024. From the panchanama it is seen that, the possession was handed over by the present petitioner at 12.15 p.m. Nothing is seen that the petitioner informed that, this Court has passed any order. The report further shows that, she was specifically asked as to whether she is having any stay order of the Court. She told that, there is no order of stay by the superior Court with her. It is upon that, a lock was put up on the room by the respondent.

6. Thus, this Court finds that, there is no material on record to show that, before handing over of the possession, there was knowledge of the order passed by this Court to any of the parties including the petitioner. Nothing is on record to show that, the contempt of order is deliberate act on the part of the respondent. Therefore, this Court finds that, there is no substance in the petition.

7. The petition stands dismissed.

(KISHORE C. SANT, J.)

PS.B.