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

**43 CONT. PETITION NO. 57 OF 2025
IN WP/13877/2023**

SHRI SHIVCHANDRA S/O SAYABANAPPA REVATE
.....Petitioner

VERSUS

SHRI GAJANAN S/O BHASKAR NALOLE
.....Respondents

Mr. A. P. Yenegure, Advocate for the petitioner

CORAM : KISHORE C. SANT, J.

DATE : 16th JANUARY, 2025

P. C.

1. Heard the learned advocate for the petitioner.
2. This petition is filed alleging the contempt of the order passed by this court at the hands of the respondents more specifically respondent No. 3 i.e. CJSD, Omerga.
3. It is the case of the petitioner that this court in WP/13877/2023 had passed an order granting stay to the proceeding of Special Civil Suit No. 10/2010 pending before the

respondent No.3 by order dated 08-11-2023. The petitioner, therefore, filed adjournment application before the respondent No.3. The respondent No.3 on finding that the number of the proceeding mentioned in the prayer clause-C of the petition as 13/2010 and not 10/2010 and refused to grant adjournment. The petitioner thereafter prayed to correct the prayer clause by correcting the number and same is corrected. However, in spite of that even on later days the court did not stay the proceeding.

4. Now it is the grievance that though there was stay granted by this court, the trial court flouted the order by not staying the proceeding. He therefore, prays for issuance of notice for committing the contempt.

5. When the parties inform about the stay granted by the higher side, it is expected of the courts to wait at least for a week or two to allow the parties to produce the copy of the order or corrected copy of the order in case there are minor corrections required.

6. This court considered the submissions. From the order passed by respondent No.3 it does appear that she did not stay the proceeding. At the same time she also has not passed any order affecting the right of the parties or any order causing prejudice to any of the parties. She had cited the order from the website of this court and found that the proceeding number differs and bonafide did not stay the proceeding. On subsequent two dates also she did not stay the proceeding. This court does not find that by this act itself any contempt is committed of the order passed by this court. However, at the same time it is necessary to bring to the notice of respondent No. 3 so that proper care can be taken in future.

7. For this purpose order be brought to the notice of respondent No.3 as this court has recorded that no case is made out for taking cognizance of the contempt petition.

8. In view of above, the contempt petition stands

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disposed off.

[KISHORE C. SANT, J.]

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