



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**45 CONTEMPT PETITION NO. 411 OF 2018
IN CA/5533/2018**

GOVIND BAJIRAO SUL SINCE DECEASED T/H L.RS. MANIK G. SUL
SINCE DECEASED T/H L.RS. SUMAN SUL AND ORS
VERSUS
PURUSHOTTAM MOHANLAL VAYAS AND OTHER

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Advocate for the Petitioner : Mr. Gunale V.D.
AGP for Respondent/State : Mr. A.S. Shinde
Advocate for Respondent No.1 : Mr. Mukul S. Kulkarni
Mr. Rajendra S. Deshmukh, Senior Advocate i/b Adv. Vikhyati Jain i/b
Mr. Devang R. Deshmukh, Advocate for respondent no.2

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATED : 29th SEPTEMBER, 2025.

ORDER :

. This petition alleges disobedience of the order passed by this Court dated 24.04.2018 in Civil Application No.5533 of 2018 in Letters Patent Appeal No. 304/2010 in Writ Petition No.1980/1998.

2. After filing of contempt petition, the Letters Patent Appeal was disposed of by order dated 4th February, 2019 holding that Writ Petition was filed and relief was sought by invoking supervisory jurisdiction of the learned Single Judge under Article 227 of the Constitution of India, and therefore, the appeal Bench held that both the L.P.As are not maintainable and deserve to be dismissed and they were accordingly dismissed.

3. The order passed in the Civil Application was assailed before the Apex Court by filing S.L.P (Civil) Diary No.15136/2020. By

order dated 07.09.2021, the S.L.P. is dismissed by granting liberty to the petitioner to file review.

4. Review filed by the petitioner is dismissed by the learned Single Judge of this Court on 9th June, 2025.

5. Learned Senior Advocate for the respondents/contemnors contends that if the order is passed without jurisdiction, it cannot be said to be binding on the parties and for breach thereof, there could be no punishment for contempt. By relying on the decision of the Division Bench of this Court at Principal Seat in the matter of ***Vivekanand Atmaram Chitale and others Vs. Vidya Vardhini Sabha and others, 1984 Mh.L.J. 520*** and the decision of learned Single Judge of this Court in the matter of ***K.S. Jhunjhunwala and others Vs. Tayebhai Mohammedbhai Bagasapwalla and others, 1997(1) Mh.L.J. 37***, he submits that if the order was without jurisdiction then the person could not be held guilty for committed breach thereof.

6. In ***Jhunjhunwala (supra)***, the learned Single Judge of this Court has held as under :-

“26. In my opinion, if the order passed is without jurisdiction or void ab initio, it is not binding on the parties and for committing breach thereof, there can be no punishment for contempt. Section 2(b) of the Contempt of Courts Act, 1971 contemplates 'willful disobedience' of any order which is passed with jurisdiction. If the order is without jurisdiction, whether ad interim, interim or final, a person cannot be held guilty for committing breach thereof. In fact the Division

Bench in the judgment in MANU/MH/0032/1984:1984 Mh LJ 520 : 1985 Cri LJ 359 (cited supra) and the Division Bench in contempt Appeal No. 1/1984 (cited supra) meant this and is in conformity with the view expressed by Supreme Court from time to time. It clearly means that there is no jurisdiction since the beginning. I find no reason whatsoever why the ratio of the Division Bench reported in MANU/MH/0032/1984MANU: 1984 Mh LJ 520 : 1985 Cri LJ 359 (cited supra) dealing with the case of violation of interim injunction or of the judgment reported in MANU/SC/0496/1993:[1993]2SCR454, Chiranjilal Shrilal Goenka v. Jasjit Singh, should not be made applicable to the present case. If this is not so, then one has to imagine the serious consequences when there are so many Courts/Tribunals vested with different jurisdictions. There may be a Court/Tribunal ready to oblige a particular person with a favourable order. If it is held to be binding on the other party, though without jurisdiction, then other party would be required to face serious consequences."

7. In *Vivekanand (supra)*, Maharashtra Revenue Tribunal (MRT) passed an order exercising powers under Section 71 of the Bombay Public Trusts Act. The said order was not complied by the respondents. The petitioners, therefore, initiated contempt proceedings. This Court at Principal Seat held that MRT has no jurisdiction to pass the said order. Therefore, non-compliance of the said order did not amount to contempt of Court. Notices issued to the respondents were discharged as there was no contempt.

8. Applying the aforesaid ratio to the facts of the present

case, it is clear that the LPAs were dismissed being not maintainable. The said order is confirmed by the Apex Court. Since the LPAs were held not maintainable, interim orders passed during the pendency of the LPAs have to be held without jurisdiction.

9. In the light of aforesaid ratio, willful disobedience of the order passed without jurisdiction cannot be said to be amounting to contempt of Court. Hence, we do not find any merit in the contempt petition. Contempt Petition is, therefore, dismissed.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)

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