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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9680 OF 2024**

Vijaykumar Bankelal AgrawalPetitioner
Vs.
Savata Maharaj Mandir TrustRespondents
Phaltan and anr

Mr. Girish Agrawal for the Petitioner
Mr. Vishwanath Talkute for the Respondents

CORAM : GAURI GODSE, J.

DATE : 22nd JULY 2025

ORDER:

1. Learned counsel for the respondents has tendered a fresh affidavit-cum-undertaking dated 20th July 2025. The undertaking is signed by Ranjit Bapurao Bhujbal who claims to be authorised representative of the respondent-trust. A copy of the resolution dated 15th July 2025 passed by the Trust authorizing Ranjit Bapurao Bhujbal to take decision regarding the pending petitions, is annexed to the affidavit.

2. On 16th June 2025, learned counsel for respondent nos. 1 and 2 requested for time to take instructions, whether the

plaintiff's possession would be restored. On 24th June 2025 learned counsel for the respondents submitted that the respondents be granted longer time of three months to restore the petitioner's possession. It was also submitted that necessary affidavit-cum-undertaking will be filed within two weeks. On 15th July 2025 an affidavit-cum-undertaking was tendered to confirm the oral statement made on behalf of the respondents on 24th June 2025. However, the undertaking that was tendered was a conditional undertaking, hence, this court refused to accept the undertaking as a compliance of the oral statement made on 24th June 2025. Learned counsel for the respondents therefore requested for further time to file appropriate undertaking.

3. Today an undertaking dated 20th July 2025 of Ranjit Bapurao Bhujbal is tendered. However, the affidavit records that this undertaking is filed as per the direction issued by this court on 24th June 2025. The undertaking given on behalf of the trust is on a condition that possession would be handed over by executing panchanama in the presence of the panchas.

4. I find it difficult to accept such a conditional undertaking

tendered on behalf of the respondents. I find it necessary to clarify that this court has not issued any directions to the respondents to restore possession of the petitioner.

5. By the order impugned in this petition the plaintiff's application for restoration of possession is rejected. A temporary injunction application in the petitioner's suit was allowed and the same was confirmed by the district court. The order of injunction was further confirmed by this court by dismissing the petition filed on behalf of the trust. By the order of injunction which stands confirmed upto this court, the respondents were restrained from obstructing the peaceful possession of the petitioner in respect of the suit property. Despite this injunction, the petitioner is dispossessed by the respondent-trust.

6. Thus, prima facie, I am convinced that the respondent-trust has committed breach of the order of injunction passed by the trial court and confirmed by this court. Hence, the concerned trustees and the persons acting on behalf of the trust, who were responsible for dispossessing the petitioner would be liable for action of contempt for committing breach of the orders passed by

the trial court and confirmed by this court. Thus, I am convinced that the respondents would be liable for an action for committing contempt of court. The petitioner is therefore granted leave to amend the petition to add the names of the concerned persons who have dispossessed the petitioner. Necessary, amendment to be carried out within two weeks.

7. List the petition on 6th August 2025 for passing further directions. List the petition under the caption for “Directions” on the next date.

8. The respondents would be at liberty to restore the petitioner’s possession before the next date.

9. By order dated 21st January 2025 this court has already issued notice for final disposal of the petition. Learned counsel for the respondents waives notice. It is therefore clarified that apart from considering issuing contempt notice against the respondents, the petition will be heard finally on the next date.

[GAURI GODSE, J.]