



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

CONTEMPT PETITION NO.183 OF 2020
IN
SECOND APPEAL NO.217 OF 2018

Ludger C.P Monterio and ors. **Vs.** Smt. Nalini Virendrasingh Kanheria and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. S. S. Sharma, a/w. Mr. R. O. Sharma, Advocates for petitioner Nos.3 and 4.

Mr. V. B. Gawali, Advocate for respondent Nos.1 and 2.

Mr. D. V. Chouhan, Senior Advocate a/b. Ms. Shiba Thakur, a/w. Mr. S. P. Sonwane, Advocates for respondent No.4

CORAM : ROHIT W. JOSHI, J.

DATE : 18.12.2025.

. The present contempt petition is filed alleging willful and deliberate disobedience of judgment and decree dated 19.12.2019 in Second Appeal Nos.217 of 2018 and 218 of 2018. By the said judgment and decree this Court has confirmed judgment and decree dated 28.09.2017 passed by the learned District Judge 14, Nagpur in Regular Civil Appeal Nos.564 of 2015 and 565 of 2015.

2. The allegation is that, in disobedience of the said decrees, respondent Nos.1 and 2 in the present contempt petition have executed a sale deed dated 23.12.2019 (record page 260) in favour of respondent No.4.

3. The learned Advocate for respondent No.4 (purchaser) had made a statement during the course of

hearings held on 19.11.2025 and 01.12.2025 that respondent No.4 was ready and willing to execute a formal deed of cancellation of the sale deed dated 23.12.2019. The learned Advocate for respondent No.4 confirms the said statement made during the course of hearings on 19.11.2025 and 01.12.2025.

4. The respondent Nos.1 and 2 were personally present before this Court during the course of hearing on 01.12.2025, when the learned Advocate representing them had made a statement on their instructions that they were ready and willing to execute a formal deed of cancellation of sale deed dated 23.12.2019. The respondent No.1 has filed affidavit dated 12.12.2025 expressing readiness to execute formal deed of cancellation of the aforesaid sale deed. It is however stated in the affidavit that a formal deed of cancellation would require the parties to pay stamp duty to the tune of Rs.6,70,000/- approximately in addition to registration fees of Rs.30,000/-.

5. The learned Advocate for respondent Nos.1, 2 and 4, therefore, jointly make a request that rather than directing the parties to execute a formal deed of cancellation with respect to sale deed dated 23.12.2019 this Court may pass an order declaring the same to be null and void.

6. It is obvious that the sale deed dated 23.12.2019 is executed in disregard to the common judgment and

decree dated 28.09.2017 passed by the learned District Judge-14, Nagpur in Regular Civil Appeal No.564 of 2015 and 565 of 2015, which in turn was confirmed by this Court vide common judgment dated 19.12.2019 passed in Second Appeal Nos.217 of 2018 and 218 of 2018. The sale deed dated 23.12.2019, executed by respondent Nos.1 and 2 (Smt. Shalini Satyendrasingh Kanheriya and Smt. Nalini Virendrasingh Kanheriya) in favour of respondent No.4 (Rajeshri Amardeep Kamble) registered with the Joint Sub-Registrar Class-II, Nagpur City No.8 in respect of Plot No.2 admeasuring 434.52 Sq. Mt., in Kirad Layout, being a portion of entire land bearing Kh. No.34/2 of Mouza Mankapur, Mouza No.333, Thak No.102, having PH. No.9/11 situated in Ward No.61, bearing City Survey No.181, Sheet No.23, having its Corporation House No.1348/C situated within the limits of Nagpur Municipal Corporation, Nagpur and Nagpur Improvement Trust, Nagpur in Tahsil and District, Nagpur, is declared as null and void.

7. The joint Sub-registrar, Class-II, Nagpur City No.8, is directed to delete entry with respect to registration of the aforesaid sale deed dated 23.12.2019 in view of the present order from Index-II and other relevant records. The City Survey Authorities are also directed to cancel mutation entries in all the concerned records, in favour of respondent No.4 on the basis of the aforesaid sale deed dated 23.12.2019.

8. The petitioner shall communicate the present order to the concerned Sub-registrar and City Survey Officer.

9. Although the sale deed in question was executed in utter disregard to judgment and decree passed by this Court, the parties have subsequently expressed remorse, they have agreed to correct the wrong and have tendered unconditional apology.

10. In view of the aforesaid, this Court does not deem it appropriate to continue the contempt proceedings any further. Contempt Petition is **disposed of** accordingly.

11. It will be open for the petitioner to take appropriate steps or to pursue any pending proceedings in relation to possession of the property.

(ROHIT W. JOSHI, J.)

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