



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

CONTEMPT PETITION NO.43 OF 2011

IN

FIRST APPEAL NO.469 OF 2007

[Sau. Subhadrabai w/o Bhauraoji Thakre .vs. Shri Sharad s/o Gopal Bhoyar and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri O.A. Ghare, Advocate for Petitioner.
Shri A.S. Kulkarni, Advocate for Respondent Nos.1 to 4.
.....

CORAM : PRAVIN S. PATIL, J.
RESERVED ON : 26.09.2025
PRONOUNCED ON : 07.10.2025.

1. By this petition, the petitioner has alleged that the respondents have committed contempt of an order dated 24.9.2008 passed in First Appeal No.469/2007.

2. The perusal of the order of this court demonstrates that in a pending First Appeal No.469/2007 a civil application was moved seeking protection of possession over the suit property during the pendency of the appeal.

3. This court had specifically observed in the order that since the question of possession is hotly contested by the parties, it would not be possible for this court to grant the prayer made in the civil application for protecting the applicant's possession over the suit property. Therefore, this court directed the parties to maintain the status-quo as regards possession and disposed of the civil application.

4. The petitioner alleged that he was in possession of the suit property and, therefore, in view of order of status-quo, the respondents were not permitted to disturb his possession. However, after the passing of this court's order, they have disturbed the petitioner's possession over the suit field.

5. In the facts and circumstances of the matter, I am of the opinion that as the alleged contempt of the order itself states that this court was not in a position to decide who was in possession of the suit property and, therefore, directed the parties to maintain the status-quo, it cannot be said that there has been a disobedience on the part of the respondents of the order passed by this court. This disputed issue cannot be gone into in a contempt petition.

6. In view of the above, I do not find any substance in the petitioner's allegation that there was a willful and intentional disobedience of the order passed by this court.

7. Furthermore, this court, by an order dated 15.2.2017, transferred the appeal to the District Court, Nagpur, for adjudication in accordance with law, due to the enhancement of the pecuniary jurisdiction of the District Court. It is informed that the said appeal was decided on its own merits by the learned District Court. Hence, the rights of the parties were crystallized when the appeal was decided on its own merits.

8. In the circumstances, I am of the opinion that there is no willful and deliberate disobedience of the order

passed by this court. Hence, no case is made out for interference and accordingly the Contempt Petition is dismissed.

(PRAVIN S. PATIL, J.)

Gulande