



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Contempt Petition No. 54 of 2025

in

Writ Petition No. 3062 of 2019 (D)

[Haridas Deokisanji Rathii ..vs.. Nitin Shambhulalji @ Sharadchandraji Kothari
and anr.]

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

Court's or Judge's orders

Ms. Ashwini Bhagwat, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 13-02-2025

Heard.

2. On 20-11-2019, this Court was pleased to dispose of Writ Petition No. 3062/2019 in following terms.

“The proceedings in Special Civil Suit No. 173 of 2017 are expedited. The trial Court shall take necessary steps to decide the same expeditiously and preferably within period of six months from today. Till the suit is decided the statement as recorded in para nine of the order dated 29.01.2019 that the defendant shall not create any third party rights is accepted. This direction is without prejudice to the respective contentions. All points are kept open. The Writ Petition is disposed of in aforesaid terms. No costs.”

3. Learned counsel for the petitioner submits that the Court has accepted the statement as recorded in paragraph no. 9 of the order dated 29-1-2019 that till the suit is decided, the defendant (respondent no. 1 herein) shall not create any third party rights. Learned counsel submits that the suit was decided on 13-9-2022, however, prior thereto i.e. on 21-8-2022, respondent

no. 1 entered into agreement with respondent no. 2 to sell the suit property. This fact surfaced when in the execution proceedings initiated by the petitioner – decree holder, he filed application for attachment of the aforesaid property and in reply, the respondent no. 1 stated that he has entered into agreement to sell with respondent no. 2 and that possession was also given to him. According to petitioner's counsel, this amounts to willful disobedience of the order passed by this Court.

4. Issue notice against respondent no. 1 in Form No. 1 of Chapter XXXIV of the High Court Appellate Side Rules, 1960, returnable in four weeks.

(Anil L. Pansare, J.)

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