



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CONTEMPT PETITION NO.172 OF 2026 IN

Madhukar Chagan Thombre ... PETITIONER

VERSUS

Ashok Vaijnath Gayal & ors. ... RESPONDENTS

.....
Mr. Shaikh M.A. Jahagirdar, Advocate for petitioner
.....

CORAM : Y.G. KHOBRADE, J.

DATE : 7th APRIL, 2026

PER COURT :

1. Heard Mr. Jahagirdar, learned counsel for the petitioner.
By the present petition under Sections 10, 12 and 14 of the
Contempt of Courts Act, 1971, the petitioner has put forth prayer
clause (B) as under :

“(B) To initiate the proceeding of contempt against the
respondents for disobedience of order passed by
learned Civil Judge, Senior Division, Vaijapur, Dist.
Aurangabad in Regular Civil Suit No.209 of 2017 below
application Exhibit 5 on 07/02/2019 under the provisions
of Contempt of Courts Act, 1971.”

2. Needless to say that, on 7/2/2019, the learned Civil Judge, Senior Division, Vaijapur, District Aurangabad passed an order below Exh.5 in Regular Civil Suit No.209/2017 and temporarily restrained the defendants/ present respondents/ contemnors No.1 to 7 from disturbing the peaceful possession of the plaintiff/ petitioner over Gat No.206/1, admeasuring 11 acres, situated at Purangaon, Taluka Vaijapur, District Aurangabad till the disposal of the suit.

3. Since the petitioner is having alternate remedy under Order 39 Rule 2A of the Civil Procedure Code and as such, the learned counsel appearing for the petitioner has made a statement that the petitioner has already availed the said remedy, therefore, two parallel remedies cannot be availed. Nonetheless, since the petitioner has already approached the Court under Order 39 Rule 2-A of the Civil Procedure Code, therefore, I do not find to exercise the jurisdiction conferred upon this Court under Sections 10, 12 and 14 of the Contempt of Courts Act. Hence, the present petition is dismissed.

(Y.G. KHOBRAGADE, J.)

fmp/-