



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4114 OF 2026
IN CP/449/2025 IN WP/2679/1991

Shripati S/o Gyanoba Jadhav
VERSUS
The State Of Maharashtra Through Its Secretary

Mr. S. V. Jadhav, Advocate for the Petitioner
Mr. S. S. Dande, AGP for Respondents State
Mr. Atul R. Muley H/for Mr. Mahesh P. Kale, Advocate for Respondent
NO.4 C, D, E, H, J, K.
Mr. V. D. Salunke, Advocate for Respondent Nos. 5 and 6

CORAM : Y. G. KHOBRAGADE, J.
Dated : 8th April, 2026

PER COURT :-

1. Heard learned counsel for the applicants at length.
2. By the present application, the applicants, who are contempt petitioners, are seeking permission to bring legal heirs of deceased respondent/Contemnor No.4-G Sau. Sushilabai w/o Dnyanobharao Shinde. So also the applicant petitioner further prayed for setting aside the order dated 11.03.2026 passed by this Court in the Contempt proceeding.
3. Needless to say that the applicants/Petitioners have invoked jurisdiction of this Court under section 12 of the Contempt of Courts Act and put forth prayer clause (B) as under:

"(B) The order passed by this Hon'ble Court dated 07.03.2012 in

Writ Petition No. 2679/1991 is not implemented and executed by the respondent no.2 and 3 so the respondent no. 2 and 3 make contempt of court, so contempt proceeding may kindly be issued against the respondent no.2 (Varsha Thakur-Ghuge, Collector, Latur) and respondent no.3 (Manjusha Bhagat, Tahsildar, Ranapur, Dist. Latur) and to deliver the possession of land survey no. 287, Gut No. 770, 12 Hector 28 Gunthe situated at village Karepur Tq. Renapur District Latur to the petitioner."

4. No doubt, the present Contemnor has impleaded respondent No.4 Balasaheb s/o Rangrao Chavan who is judgment debtor. However, the said respondent died and his legal heirs- respondent nos. 4A to 4K are impleaded , including respondent nos. 5 and 6. However, during pendency of the contempt petition, Respondent No.4-G Sushilabai w/o Dnyanobarao Shinde, one of the legal heirs of respondent no. 4 in contempt petition died on 20.01.2026. Therefore, the petitioners/applicants wanted to bring legal heirs of respondent no.4G on record.

5. Needless to say that the present contempt petition is against respondent nos. 2 and 3 and there are no averments as against respondent no.4 or his legal heirs about breach or violation of order dated 07.03.2012 passed by this Court in Writ Petition No. 2679/1991. There are also no averments in contempt petition that the legal heirs of respondent no.4 including deceased respondent no.4-G about creating

obstruction in execution of the decree.

6. It is a well-settled principle of law that contempt proceedings under Section 12 of the Contempt of Courts Act, 1971 are punitive in nature. Such proceedings are directed against the contemnor personally and, therefore, the act of contempt of courts by the contemnor is *in personam* and *not in rem*. Consequently, no cause of action survives against the present respondent No. 4G. However, the petitioners are at liberty to bring the legal heirs of deceased respondent No. 4G on record in the execution proceedings, if so advised. The petitioner, however, cannot be permitted to implead the legal heirs of respondent No. 4G in the present contempt proceedings.

7. In view of the above discussion, the the Civil Application No. 4114 of 2026 is hereby rejected.

(Y. G. KHOBRAGADE, J.)