

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 252 OF 2025
IN
SECOND APPEAL NO. 1400 OF 2005**

Milan Cooperative Housing Society through ... Petitioner
Arvind Chinchalkar

vs.

Pune Municipal Corporation

... Respondent

Mr. Siddharth R. Ronghe for the Petitioner

Mr. Rhishikesh M. Pethe for the Respondent.

CORAM : GAURI GODSE, J.

DATED : 22nd JANUARY 2026

ORDER:

1. This contempt petition is filed by the appellant in the second appeal, alleging breach of the order dated 11th August 2017, passed by this court in Civil Application No. 1029 of 2015. By the said order, this court directed that during the pendency of the second appeal, the respondent Corporation shall maintain the status quo in respect of the suit property. It is alleged by the petitioner that the letter dated 28th February 2025, which is annexed to the contempt petition, shows that the corporation has created third party rights and handed

over possession to the third party. Hence, according to the petitioner, there is a breach of the order dated 11th August 2017.

2. By judgment dated 5th January 2026, the second appeal is dismissed. The findings recorded by both the courts regarding physical possession handed over to the corporation and vesting of the title in the corporation in respect of the suit plot are confirmed in view of the dismissal of the second appeal. The suit was filed in respect to the plot of land bearing plot no. 14 (part of old survey no.3) out of survey no. 133, Hissa No. 5B, 6B and 7B. The dispute was in respect to the plot of land reserved under the development plan and whether the title vested in the corporation. This court, while dismissing the second appeal, has answered the questions of law by holding that both the courts were justified in dismissing the suit filed by the appellant for declaration and injunction.

3. I have perused the letter dated 28th February 2025, annexed to the contempt petition. It refers to the response by the corporation to the third party in response to the Survey No. 33, Hissa No. 6. By order dated 11th August 2017, this court recorded that the corporation has entered the suit plot in the year 2015 and have fenced the area of 12000 square feet. This court directed the corporation to maintain status quo in respect of the suit property.

The suit property described in the suit is referred to in the above paragraph. There is nothing on record to correlate the letter dated 28th February 2025 with the property in respect of which the court has directed the Corporation to maintain the status quo. The Corporation has filed a reply that even today, the Corporation is in actual possession of the suit property. Hence, in view of the aforesaid, I do not find any substance in the allegations made in the Contempt Petition.

4. The Contempt Petition is therefore dismissed.

5. The second appeal is already dismissed. There is Interim Application No. 8247 of 2025, which is still shown as pending in the second appeal. In view of disposal of the second appeal, the pending Interim Application No. 8247 of 2025 is disposed of as infructuous.

(GAURI GODSE, J.)