

ITEM NO.20

COURT NO.9

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) No.1185/2023 in SLP(C) No.11061/2023, 11051/2023 & 11077/2023

CHANDRAKALA SHANTILAL LUNAWAT & ORS.**Petitioner(s)****VERSUS****SANDIP KONDIBA SATAV & ORS.****Respondent(s)**

(FOR ADMISSION and IA No.200313/2023-ISSUE OF BAILABLE WARRANT OF ARREST)

Date : 16-10-2023 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
 HON'BLE MR. JUSTICE SANJAY KAROL**

**For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
 Mr. Anand Dilip Landge, AOR
 Mr. Bhalchandra Nikte, Adv.
 Mr. Chaitanya Nikte, Adv.**

**For Respondent(s) Mr. Anil Anturkar, Sr. Adv.
 Mr. Sugandh B. Deshmukh, Adv.
 Mr. Prashant R. Dahat, Adv.
 Mr. Puneet Yadav, Adv.
 Mr. Sourabh Gupta, Adv
 Mr. Ujjwal Chaudhary, Adv.
 Mr. T. R. B Sivakumar, AOR**

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Mukul Rohtagi, learned Senior Counsel appearing for the petitioners. The counsel would firstly draw our attention to this Court's interim order dated 05.07.2023 to point out that the matter pertains to valuable property in Pune Town and there is a very old decree dated 27.10.1945 in the Partition Suit No.955 of

1944, declaring 50% share in favour of Amedmal Bhatevada whose heirs are the petitioners in this Contempt Petition. The other side held entitled to balance 50% per cent under the 1945 decree are, Kishan and Shankar Devkar. It is submitted that share of Shankar came in share of the Amedmal Bhatevada, pursuant to a Court Auction.

2. Having regard to the circumstances in the proceedings pursuant to the 1945 decree, this Court in SLP (C) No.11061 of 2023 an interim order to the following effect was passed:-

"In the meantime, there shall be stay of operation of the impugned judgment dated 25.04.2023 of the Bombay High Court in Civil Revision Application No.285 of 2022 and other connected cases. Moreover, there shall be no construcion in the meantime on the vacant area covered by the decree dated 27.10.1945."

3. The Senior Counsel would submit that in terms of the above interim order, the respondents could not carry out any construction in the vacant area. But there is attempt to excavate the vacant area and to raise construction to defeat the interim order passed by this Court. To indicate that the respondents are trying to misinterpret the interim order, the senior counsel would refer to the additional affidavit on behalf of the respondents filed on 13.07.2023 to point out that out of the total 17427 Sq. Mtrs., 6852.54 Sq. Mtrs. is the vacant area where the respondents have attempted to develop the vacant area by deploying Excavators and also engaging a large workforce, as can be seen from the photographs enclosed in the Contempt Petition.

4. However, these figures and submissions are disputed by Mr. Anil Anturkar, Senior learned counsel for the respondents.

5. Issue notice, returnable in three weeks. The personal presence of respondents-alleged contemnors are dispensed with at this stage.

6. Since Mr. Anil Anturkar, learned Senior Counsel appears for respondent Nos.1 to 4, formal notice on these respondents is waived.

[DEEPAK JOSHI]
COURT MASTER

[KAMLESH RAWAT]
ASSISTANT REGISTRAR