RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civ. Contempt Pet. No. 16/2021
CNR: RJHC010107182021 | URN: CCP / 227U / 2021

Rajasthan High Court
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1. Devendra S/o Late Ramrakh Bohra, Aged About 69 Years, R/o Ummedpura, Phalodi Hall, Local Residence At Phophalia Bhawan, Sardarpura Ist B Road, Jodhpur
2. Sri Kishan S/o Late Ramrakh Bohra, Aged About 63 Years, Ummedpura, Phalodi Hall, Local Residence At Phophalia Bhawan, Sardarpura Ist B Road, Jodhpur
3. Kamal Kishore S/o Laxmi Narain, Aged About 48 Years, R/o Ummedpura, Phalodi Hall, Local Residence At Phophalia Bhawan, Sardarpura Ist B Road, Jodhpur

----Petitioners

Versus

1. Lrs Of Magni, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
2. Kanwar Lal S/o Late Kishan Lal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
3. Bhanwar Lal Purohit S/o Late Kishan Gopal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
4. Magan Lal Purohit S/o Late Kishan Gopal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
5. Deendayal Purohit S/o Late Kishan Gopal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
6. Radheshyam Purohit S/o Late Kishan Gopal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
7. Saraswati Thanvi D/o Late Kishan Lal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
8. Godavari Thanvi D/o Late Kishan Lal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur
9. Shanti Devi D/o Late Kishan Lal Purohit, Ramchandaniyo Ki Gali, Near Satyanarayan Temple, Phalodi, Dis. Jodhpur

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----Respondents

For Petitioner(s)	:	Mr. Prashant Tatia
For Respondent(s)	:	Mr. Mahendra Thanvi

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HON'BLE MR. JUSTICE SANDEEP SHAH

Order

04/11/2026

1. The present contempt petition has been filed alleging deliberate and wilful disobedience of the order dated 29.11.1999 passed by this Court in S.B. Civil Second Appeal No. 360/1999, whereby, after hearing learned counsel for the parties, they were directed to maintain status quo with respect to the property in question. Learned counsel for the petitioners submits that the aforesaid interim order continues to remain in force and the second appeal is still pending adjudication. Learned counsel further submits that notwithstanding the subsistence of the said order, the respondents proceeded to raise construction over the plot in question. In support of the allegations, learned counsel has drawn the attention of this Court to the photographs available at page 14 of the paper book, wherein in the first photograph the vacant plot and the thatched sheds and in the second photograph the construction undertaken by the respondents is clearly visible. He, thus submits that the respondents have deliberately and wilfully violated the order passed by this Court and deserve to be punished appropriately.

2. *Per contra*, learned counsel appearing for the respondents submits that a room was already in existence at the site, which, with the passage of time, had been in a dilapidated condition and

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was on the verge of collapse. He further submits that the work undertaken was merely repair and renovation of the existing structure and was carried out bonafidely, without any intention to violate the interim order passed by this Court. He further submits that since no effective proceedings had taken place in the second appeal prior to the year 2020, the respondents could not remain in regular touch with their counsel. Learned counsel for the respondents, therefore, pray that the alleged violation may be viewed leniently.

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3. Heard learned counsel for the parties and perused the material available on record.

4. In paragraph 8 of the reply to the contempt petition, the respondents have stated as under:

> ***"8.*** *That the contents of para no. 8 the manner in which have been stated are strongly denied. The petitioners have stated herein that they visited the suit property on 10.12.2020 but they have annexed the photographs of 9.12.2020. It would be also relevant to submit her that petitioners have not placed on record any material considering which allegations leveled by them against the respondents could be prima facie proved. The petitioners for the reasons best known to them have not placed on record anything regarding the position of the site prior to 9.12.2020. Actually the humble answering respondents are residing with their entire family over the site and the suit property upon which there was already a room constructed but with the passage of time it becomes dilapidated and was about to fall The said room which was that time in dilapidated condition could fall at any point of time and can cause serious loss to the human life. Considering such condition of said room the humble answering respondents in all innocence have got repaired said room and carry out*

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some renovation over there. Since in the instant second appeal no effective proceeding was taken place prior to the year 2020 hence the humble answering respondents could not remain in regular touch with their counsel. The said repair and renovation work has been carried out by the respondents in all innocence and as alleged by the petitioners they were never intended to flout the interim order of this Hon'ble Court. The humble answering respondents can never think to intentionally flout any order of this Hon'ble Court and although thy should have seek permission from this Hon'ble Court before carrying out said repair and renovation work regarding said room but since they could not keep in mind the actual meaning of the interim order dated 29.11.1999 which was passed around 25 years ago hence they innocently and in complete bonafide impression have done said repair and renovation work as aforesaid. For such bonafide and unintentional mistake being committed at the part of humble answering respondents they with great respect tenders their unconditional apology before this Hon'ble Court. The humble answering respondents have never responded in a violent manner to the petitioners as alleged herein."

5. A perusal of the reply filed by the respondents reveals that they have, in substance, admitted to have undertaken construction/renovation work over the disputed property during the subsistence of the interim order passed by this Court. The explanation furnished by the respondents is that the work was undertaken merely for the purpose of repairing an existing dilapidated room. However, the fact remains that the order directing the parties to maintain status quo was in existence and had not been modified, vacated or recalled by this Court. The respondents, therefore, could not have proceeded to undertake

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any construction or renovation work in violation of the said order without seeking appropriate permission from this Court. It is needless to observe that even during the COVID-19 pandemic, this Court continued to function and entertain applications seeking modification of interim orders or permission to undertake necessary repairs and renovation. Admittedly, no such application was filed by the respondents, nor was any permission sought from this Court before undertaking the construction/renovation work. The plea that the respondents could not remain in regular touch with their counsel, owing to the absence of effective proceedings in the second appeal, cannot be accepted as a justification for disregarding an order of this Court which continued to remain operative. The obligation to comply with the interim order was binding upon the parties irrespective of the progress of the appeal.

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6. In view of the admitted position and the material available on record, this Court is of the opinion that the respondents have deliberately and wilfully disobeyed the order dated 29.11.1999 passed by this Court in S.B. Civil Second Appeal No. 360/1999. The explanation furnished by the respondents does not absolve them of their liability for such disobedience.

7. Accordingly, this Court holds the respondents guilty of contempt of court. However, before proceeding to impose punishment, the respondents are granted an opportunity to show cause and make submissions on the question of punishment. The respondents shall file their response, if any, and address arguments on the question of punishment on the next date of hearing.

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8. List the matter on 25.11.2026 for hearing the parties on the question of punishment.

(SANDEEP SHAH),J

Crt_18 (1955)
D-A/51
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