

GAHC010216482023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2916/2023

M/S OM SAI TRADING COMPANY AND ANR
A PROPRIETORSHIP CONCERN HAVING ITS OFFICE SITUATED AT THANA
ROAD, RUPAHI, P.O. AND P.S.-RUPAHI, DIST- NAGAON, ASSAM,
REPRESENTED BY ITS PROPRIETOR SRI DINANATH SHIVAKARAN
MAURYA, AGED ABOUT 60 YEARS, S/O LATE SHIVAKARAN MAURYA
HAVING HIS OFFICE SITUATED AT THANA ROAD, RUPAHI, P.O. AND P.S.-
RUPAHI, DIST- NAGAON, ASSAM

2: M/S S.N. TRADING COMPANY
A PARTNERSHIP CONCERN HAVING ITS REGISTERED OFFICE SITUATED
AT WARD NO. 9
ROAD NO. 5
S.C. ROAD
ATHGAON
GUWAHATI
KAMRUP
ASSAM
AND REPRESENTED BY ONE OF ITS PARTNERS SRI PRADEEP MAURYA
S/O SRINATH MAURYA
HAVING HIS OFFICE SITUATED AT WARD NO. 9
ROAD NO. 5
S.C. ROAD
ATHGAON
GUWAHATI
KAMRUP
ASSA

VERSUS

NANDESWAR BORGOHAIN, A.S.I.
NORTH GUWAHATI POLICE OUT POST, NORTH GUWAHATI, DIST-
KAMRUP, ASSAM, PIN-781030

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent :

Linked Case : Cont.Cas(C)/549/2023

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A PROPRIETORSHIP CONCERN HAVING ITS OFFICE SITUATED AT THANA
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RUPAHI
P.O. AND P.S.-RUPAHI
DIST- NAGAON
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NANDESWAR BORGOHAIN
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NORTH GUWAHATI POLICE OUT POST
NORTH GUWAHATI
DIST- KAMRUP
ASSAM
PIN-781030

Advocate for : MR. M A SHEIKH
Advocate for : appearing for NANDESWAR BORGOHAIN
A.S.I.

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

29.09.2023

Heard Mr. M.A. Sheikh, learned counsel for the applicant.

The petitioner has filed this interlocutory application under Sections 11 & 12 of the Contempt of Court Act, 1971 read with Article 215 of the Constitution of India for amendment of the connected contempt petition being Contempt Case(C) No. 549/2023.

The petitioner has sought for the following amendments in the connected contempt petition-

“i) At page-3, cause title before the word Nandeswar Borgohain, ASI English No.1 may be inserted.

ii) At the same page-3 after the word 'PIN-781030', the following words may be added – "2. Sri Niraj Verma, IAS Principal Secretary to the Government of Assam, Home & Political Department, Dispur, Guwahati-06" and the word contemnor may be amended as 'Contemnors'.

iii) At page-5 para-6 after the words total value following words as sub para may be added 'photocopy of Order dated 30.08.2022 is annexed herewith and marked as Annexure No.1'.

iv) That the Annexure number 1, 2, 3, 4, 5, 6 & 7 appears in sub-para of paras 8,9,10,11 & 12 respectively may be amended as Annexure No. 2, 3, 4, 5, 6, 7 & 8 respectively.

v) At page-8 para-10 may be replaced as follows –

"10. That, after sending the said Order on 3.7.2023 as more than 1 month has passed but the said O/C and S.P. did not act on the Order of this Hon'ble Court so the Petitioner No.1 sent the copy of Order of this Hon'ble Court to the A.S.I, North Guwahati (Contemnor No.1) and to the Principal Secretary to the Government of Assam, Home & Political Department, Dispur (Contemnor No.2) through registered Post with A/D on 14.8.2023. But the said contemnor failed to carry out the Order dated 27.6.2023 passed by this Hon'ble Court. Photocopy of postal receipts is annexed herewith and marked as ANNEXURE NO. 4 & 5 respectively."

vi) Page-9 para-12 may be replaced as follows -

"12. That, thereafter the Petitioner No. 2 also send the copy of Order of this Hon'ble Court dated 27.6.2023 to the Contemnor No.1 through Registered Post with A/D on 4.8.2023 and to the Contemnor No.2 on 4.8.2023. But the Contemnors did not comply with the said Order of this Hon'ble Court.

Photocopy of postal receipts are annexed herewith and marked as ANNEXURE NO. 7 & 8 respectively."

vii) At page 10 para-13, 4th line from the top the word 'Contemnor/' may be amended as 'Contemnors'. Again in the 2nd line from the below the Word 'Contemnor is' may be amended as 'Contemnors are'.

viii) At page 10 para-14, 1 line the word 'Contemnor has' may be amended as 'Contemnors have' and in 3rd line from the top of the said para after the words which the 'Contemnor is' may be amended as 'Contemnors are'.

ix) At page 10, Para-15, 3rd line from the top the word 'Contemnor, he has' may be amended as Contemnors, they have'.

x) At page-11 in the prayer 1st line the word 'Contemnor' may be amended as 'Contemnors' and in the 3rd line after the word as to why the word 'he' may be amended as 'they' and in the 9th line from the bottom the word 'Contemnor' may be amended as 'contemnors'."

It appears from the record that the case is at the initial stage and no any notice was issued to the other side.

Hence, the prayer of the petitioner is allowed by making the aforesaid amendments.

The petitioner is directed to file amended petition.

The I.A. stands disposed of.

JUDGE

Comparing Assistant