

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3904 of 2022

Applicant :- Lal Chand And Another

Opposite Party :- Sushri Ishika Singh, New Additional Civil Judge

Counsel for Applicant :- Vijai Prakash Yadav

Counsel for Opposite Party :- Sudhir Mehrotra

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 20.04.2022 in Matter under Article 227 No. 2829 of 2022 had passed the following order:-

"Heard learned counsel for the petitioners.

Learned counsel for the petitioners submitted that Suit No. 562 of 2007 was filed for permanent injunction claiming the title over the 0.12 Ares of land. Against which, written statement was filed on 25.10.2012 disputing the title over the half of land. Now, after filing written statement, plaintiff- respondent has filed amendment application on 18.09.2021 restraining his claim to the half of the land within 0.6 Ares. He next submitted that plaintiff-defendant has not come up with clean hand before the Court and plaint was based on wrong facts. Only after filing written objection, he has filed amendment application in 2021 claiming the title over the half of land to nullify the objection raised in written statement. He next submitted that amendment application is not in accordance with provision of Order VI Rule 17 of CPC, therefore, impugned order dated 01.02.2022 alongwith amendment application is bad and liable to be set aside.

Matter requires consideration.

Issue notice to respondent returnable within eight weeks. Steps be taken within one week.

List this case on 4.7.2022.

Till the next date of listing, effect and operation of impugned order dated 01.02.2022 passed by New Additional Civil Judge (Junior Division), IInd, Jaunpur as well as further proceeding of Suit No. 562 of 2007 shall remain stayed."

From perusal of the order, it transpires that further proceedings of Suit No. 562 of 2007 has been stayed.

Sri Sudhir Mehrotra, learned counsel appearing for High Court states that court below is only fixing dates as the further proceedings has been stayed by writ Court.

In view of said fact, no case for contempt is made out.

The contempt application is misconceived and stands dismissed.