

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7751 of 2023

Applicant :- Ms. Mahvish Jahan

Opposite Party :- Jai Shankar Prasad

Counsel for Applicant :- Pankaj Kumar Tripathi

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant.

Perused the order dated 06.06.2023 passed in Writ-C No.19816 of 2023, which is as under:-

"Head learned counsel for the parties.

Learned counsel for the petitioner submits that the petitioner is ready to pay back the entire amount of Rs. 8,92,151/- if he is given some respite in terms of installment to ensure payment thereof.

Learned counsel for the respondent no. 3 submits that he has no objection if the petitioner pays back the entire dues within a stipulated period of time in equal installments.

In view of above, this petition stands disposed of with the direction that petitioner shall deposit 50% of the entire amount by 30.06.2023 and upon deposit of amount, as directed herein above, the bank will supply the statements of account giving the details of amount already paid by the petitioner including one to be deposited on 30.06.2023. Needless to add earnest money already with the bank against the loan advanced, shall be liable to be adjusted as per law. After the statements of account is furnished, the petitioner shall pay the remaining amount along with interest by 31.07.2023.

It is made clear that in the event petitioner commits default in respect of any of the directions issued hereinabove, it will be open for the respondent no. 3 to proceed to recover the amount strictly in accordance with law pursuant to notice already issued and no second writ petition shall be maintainable further in the matter."

From the perusal of the aforesaid order, it is clear that the applicant was required to deposit 50% of the entire amount by 30.06.2023.

From the averment made in the contempt application, it transpires that the applicant has not complied the order of the writ Court and has not made the deposit of 50% as required by the writ Court.

It is contended on behalf of the applicant that before the expiry of period, a publication was made for auction of the property in dispute.

This Court finds that the applicant himself is at default as he has not complied the order of the writ Court and has not deposited the required amount.

In view of the said fact, contempt application is misconceived and the same stands dismissed.

Order Date :- 26.10.2023

SK Goswami