

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8336 of 2023

Applicant :- Om Prakash

Opposite Party :- Mahesh Chandra Tiwari And 4 Others

Counsel for Applicant :- Anurag Kumar,Rajneesh Shukla

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant.

This contempt application under Section 12 of Contempt of Courts Act has been filed for punishing the opposite party for violating the interim order granted on 26.02.1998 in Second Appeal No. 219 of 1998.

In para no. 11 of contempt application, it has been specifically mentioned that second appeal was dismissed for want of prosecution on 30.04.2014. A restoration application was filed which was allowed on 25.05.2023 and the order was passed recalling the dismissal order. Further, in para no. 14, it has been mentioned that cause of action arose on 04.01.2023.

From pleading, it is clear that construction was made by opposite party when the interim order was not in operation.

As the second appeal was dismissed in default and interim order was vacated and the same was not operating since 2014 and the appeal was restored on 25.05.2023, no case for contempt is made out.

The contempt application is misconceived and stands dismissed.

Order Date :- 17.11.2023

V.S.Singh