

GAHC010032022024



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

Case No. : Cont.Cas(C)/111/2024

MRIDUL CHOUDHURY
S/O- LATE PRANAB KUMAR CHOUDHURY, R/O- HOUSE NO. 61, BHUBAN
ROAD, UZAN BAZAR, GUWAHATI-781001, KAMRUP(M), ASSAM

VERSUS

UTPALA KAUR
D/O- HASHAR SINGH, PRESENTLY RESIDING AT HOUSE NO. 61, BHUBAN
ROAD. UZAN BAZAR, GHY - 781001, KAMRUP (M) ASSAM (BEHIND 4
SEASONS RESTURANT).

Advocate for the Petitioner : MR. A CHAMUAH

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 01.03.2024
(K.R. Surana, J)

Heard Mr. A. Chamuah, learned counsel for the petitioner.

2. By filing this contempt petition under Article 215 of the Constitution of

India, read with Section 11 and 12 of the Contempt of Courts Act, 1972 and Rule 3 & 4 of the Contempt of Court (Gauhati High Court) Rules, 1977, the petitioner, who is the estranged husband of the respondent is alleging wilful violation and disobedience of the order dated 13.12.2022, passed in Cont.Cas(C) No. 92/2021. The said order is quoted below:

“Heard Ms. B. Bora, learned counsel for the petitioner and Ms. J. Gayan, learned counsel for the respondent.

Pursuant to the order dated 13.02.2020 passed by this Court in Mat. Appeal No.8/2017, an amount of Rs. 4,50,000/- has already been paid and it is stated at the Bar that an amount of Rs. 2,00,000/- shall be paid latest by 31.12.2022. We, therefore find that there is sufficient compliance of the order passed based upon the agreement entered into between the parties. The parties shall adhere to the agreed terms and, as pointed by the learned counsel for the parties, all attempts shall be made to find out a suitable accommodation for the respondent as early as possible.

With this observation, the proceedings are closed.”

3. The learned counsel for the petitioner has submitted that the petitioner, with the consent of the respondent, had entered into an agreement with the said flat owner to purchase a flat. It is also submitted that the applicant had availed bank loan to purchase the flat. However, the respondent has refused to take possession of the said flat.

4. In the opinion of the Court, the order passed for providing accommodation to the respondent, is otherwise an enforceable order. In our considered opinion, no case of wilful and deliberate violation of the order passed by this Court in contempt proceeding is made out.

5. Nonetheless, having regard to the prayer made by the learned counsel for the petitioner, the petitioner is at liberty to avail any other remedy that may be available in accordance with law before the appropriate Court for providing a suitable accommodation to the respondent in terms of order dated 13.12.2022,

passed in Cont.Cas(C) No. 92/2021 in such manner as the petitioner may be so advised.

6. In view of above, this contempt petition stands closed.

JUDGE

JUDGE

Comparing Assistant