

GAHC010145252024



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

Case No. : CRP(IO)/260/2024

PUNYA DEO MISHRA
S/O- LATE RAM NARESH MISHRA,
R/O- KOKRAJHAR TOWN,
DEPOT ROAD, WARD NO. 4,
P.O. AND P.S.- KOKRAJHAR,
DIST.- KOKRAJHAR (BTAD), ASSAM.
PIN- 783370.

VERSUS

VIVEK SHARMA
S/O- LATE DWARIKA PRASAD BRAHMIN @ SHARMA,
R/O- KOKRAJHAR,
DEPOT ROAD, WARD NO. 4,
P.O. AND P.S. AND DISTRICT- KOKRAJHAR (ASSAM).

Advocate for the Petitioner : MR G BAISHYA, P SHARMA, K BANIK, MS. P DAS

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

31.07.2024

Heard Mr. G. Baishya, learned counsel for the petitioner.

This is an application filed under Article 227 of the Constitution of India challenging the order dated 12.03.2024 passed by the learned Civil Judge (Senior Division), Kokrajhar, Assam in Misc. Contempt Case No. 1/2018.

The present petitioner had filed a contempt application before the trial court and the trial court dismissed the same for want of jurisdiction.

I have considered the submission made by Mr. Baishya.

This court is of the opinion that the trial court had committed an error in dismissing the application. The subordinate courts do not have the jurisdiction under the Contempt of Courts Act, 1971. Under section 10 of the said Act, the contempt application should have been referred to this court. Therefore, the order dated 12.03.2024 passed by the learned Civil Judge (Senior Division), Kokrajhar, Assam in Misc. Contempt Case No. 1/2018 is set aside. Hence, the trial court is directed to refer the matter to this court.

With the above, the present civil revision petition is disposed of.

JUDGE

Comparing Assistant