

**HIGH COURT OF TRIPURA
AGARTALA
CONT.CAS(C) NO.22 OF 2024**

Shri Timirendu Bhowmik,

Aged about 59 years,
son of late Gopi Ballabh Bhaumik,
Of Badurtali Lane, Krishnanagar,
P.O. Agartala, P.S. West Agartala, West Tripura.

.....**Petitioner(s)**

Versus

Smt. Kanika Nath(Bhaumik),

Wife of Sri Timirendu Bhaumik,
Daughter of late Pulin Behari Nath,
Resident of Coloniel Chowmuhan,
P.O.-Agartala-7990016, P.S. West Agartala,
District-West Tripura.

.....**Respondent(s)**

For the Petitioner(s)	: Mr. Sankar Lodh, Advocate. Mr. K. Roy, Advocate. Mr. S. Majumder, Advocate.
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For the Respondent(s)	: Mr. R. Datta, P.P. Mr. A. Baidya, Advocate. Mr. B.K. Bhattacharyya, Advocate. Mr. B. Banerjee, Advocate. Mr. S. Sarkar, Advocate. Mr. S. Sutradhar, Advocate. Mr. S. Chakraborty, Advocate. Mr. Siraj Ali., Advocate.
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Date of hearing and delivery of
Judgment & Order : 11/12/2025

Whether fit for reporting : Yes

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT
J U D G M E N T & O R D E R (O R A L)**

T. AMARNATH GOUD(J)

1. This present appeal has been filed for drawing up contempt proceedings against the respondent-contemnor for wilful breach of the undertaking given before this Court by the contemnor, which was recorded in the order dated 14.12.2023 in connection with F.A. No. 1 of 2023.

2. Heard Mr. S. Lodh, learned counsel appearing for the petitioner, as well as Mr. Siraj Ali, learned counsel appearing for the respondent-contemnor.

3. When the case is called, both sides are present. The contemnor is also present in person.

4. The chronology of the present matter is that firstly, on 04.04.2024, the case came up before the Bench of Hon'ble Mr. Justice Arindam Lodh and Hon'ble Mr. Justice S.D. Purkayastha. On that day, notice was issued upon the respondent-contemnor, returnable within three days. Dasti service was also permitted and the matter was fixed on 16.05.2024. The said order is reproduced here-in-below:-

"This Court had passed an order dated 14.12.2023 in F.A. No.01 of 2023 on the basis of the settlement arrived at by the parties in the appeal. For convenience, order dated 14.12.2023 may be reproduced hereunder:-"

"We have personally heard Smt. Kanika Nath (Bhowmik), the appellant-wife and Sri Timirendu Bhaumik, the respondent-husband. We have also heard their daughters, namely, Smt. Sreyashee Bhaumik and Ms. Saheli Bhaumik virtually.

We have interacted with both the appellant-wife and the respondent-husband for a considerable time and ultimately they have entered into the following agreements:-

1) There shall be a decree of dissolution of marriage between the appellant-wife and the respondent-husband.

2) The respondent-husband shall purchase a 1 BHK flat with enough space for drawing and dining rooms under Agartala Municipal Corporation area within a period of 6(six) months from today and the flat will be furnished at the expense of the respondent-husband, Sri Timirendu Bhaumik.

3) In addition to that, the monthly maintenance allowance has been enhanced to Rs.17,000/- (Rupees seventeen thousand) from Rs.10,000/- (Rupees ten thousand).

4) The respondent-husband shall be responsible for taking care of the appellant-wife, in case of any serious health issues. For example, if she is admitted in any hospital for serious medical ailments, then all the expenditures will be borne by the respondent-husband.

5) Smt. Kanika Nath (Bhowmik), the appellant has agreed and given undertaking to this Court that she will transfer all the properties, that is, flats, lands and buildings which are in her name in favour of her two daughters within 3(three) months from today and the expenditure for such transfer/s by way of sale or gift shall be borne by the respondenthusband, Sri Timirendu Bhaumik.

Smt. Kanika Nath (Bhowmik), being the mother shall always try to keep in touch with her daughters and pacify them to stay with her.

In terms of above agreements, draw a decree of dissolution of marriage.

Both the parties have undertaken before this Court to enforce the above terms as mentioned in this order.

Parties have put their signatures in the order sheet.

Accordingly, the instant appeal stands disposed in the above terms.

Sd/- Smt. Kanika Nath (Bhowmik)

Sd/- Sri Timirendu Bhowmik”

Mr. S. Lodh, learned counsel appearing for the petitioner has submitted that the respondent-contemnor is not responding compelling his client i.e. the petitioner herein to serve demand notice enclosing draft deed for its execution. Even then, the respondent-contemnor did not turn up. Mr. Lodh, learned counsel has further submitted that violation of undertaking amounts to contempt of court.

In view of this, issue notice calling upon the respondent-contemnor to show cause as to why a proceeding under Section 12 of the Contempt of Courts Act shall not be drawn against her, as prayed for; and/or why such further and other order(s) shall not be passed as to this Court may deem fit and proper.

Notice is made returnable within 4(six) weeks.

The petitioner shall take steps for causing service of notice upon the respondent-contemnor within 3(three) days by registered post with AD.

Dasti service is also allowed.

List the matter on 16.05.2024.”

5. On 16.05.2024, a last chance was given to the wife—respondent-contemnor to comply with the terms and conditions mentioned in the decree of divorce and the matter was listed on 20.06.2024.

6. On 20.06.2024, the respondent-contemnor was directed to appear in person before the Court on 27.06.2024 at 10:30 a.m. positively for breach of the terms and conditions of the undertaking given by her to the Court.

7. Vide order dated 27.06.2024, the wife, Smt. Kanika Nath (Bhaumik), agreed and gave an undertaking to the Court that she would execute the gift deed in favour of her daughters within the month of July, 2024. She further agreed and undertook that she would execute a gift deed in favour of her daughter, namely, Smt. Saheli Bhaumik, on 8th July, 2024 itself in respect of the

properties at Agartala standing in her name. She also undertook to visit Kolkata to register a deed of gift transferring her share in the flat situated at Kolkata in favour of her daughter, Smt. Sreyashee Bhaumik, within the month of July, 2024. The husband, Sri Timirendu Bhowmik, was to bear all expenses towards travelling and stay of Smt. Kanika Nath (Bhaumik) at Kolkata.

The husband agreed and undertook that after handing over vacant possession of the flat, he would take all necessary steps to furnish the same within a period of thirty days. The builder was to execute the sale deed of the flat in favour of Smt. Kanika Nath (Bhaumik) on 08.07.2024 after receipt of the consideration money to be paid by Sri Timirendu Bhowmik. The Sub-Registrar, Sadar, was directed to register the sale deed of the flat as well as the gift deeds as stated above in accordance with law on 08.07.2024. The appearance of Smt. Kanika Nath (Bhaumik) was dispensed with and a copy of the order was directed to be forwarded to the learned counsel for both parties as well as to the Sub-Registrar, Sadar. The matter was listed on 08.08.2024.

8. Thereafter, in the meantime, while passing the order in I.A. No. 01 of 2024 dated 06.09.2024, this Court observed that:—

“4.3 During the proceedings of the first appeal, we made attempts to conciliate the disputes between the couple, but it did not yield any result. We also heard their two daughters. During interactions, both the daughters had levelled serious allegations against their mother, Smt. Kanika Nath (Bhaumik). It is pertinent to mention that both the daughters are major. One daughter, namely Smt. Sreyashee Bhaumik is a post-graduate in English, now married. The younger daughter, Smt. Saheli Bhaumik is pursuing her LLB course in Dehradun. Both the daughters informed this Court that their mother had abandoned them for her selfish lifestyle and their mother, Smt. Kanika Nath (Bhaumik) not only tortured them but also their father, Sri Timirendu Bhowmik. Both the daughters informed this Court that Sri. Timirendu Bhowmik used to take care of them and played the role as mother in their upbringing. Though, it was a suit instituted by the wife-respondent, we, on our own notion tried to persuade the husband-Sri Timirendu Bhowmik to go for divorce as his wife Smt. Kanika Nath (Bhaumik) was found to be very rigid in seeking divorce. We also persuaded Sri Timirendu Bhowmik to accommodate his wife substantially. Accordingly, it was agreed upon that Husband-Sri Timirendu Bhowmik would purchase a flat for peaceful stay of the wife-Smt. Kanika Nath (Bhaumik) and also to pay a maintenance allowance to the tune of Rs.17,000/- per month. Sri Timirendu Bhowmik also had undertaken that he would take care of her health in future i.e. during her entire life. It was also undertaken that he would bear all the expenditure if Smt. Kanika Nath (Bhaumik) is admitted in any hospital out of some disease. Simultaneously, the wife also had undertaken that she would transfer the properties, which were purchased by Sri Timirendu Bhowmik in the name of his wife in favour of her two daughters, namely Smt. Saheli Bhaumik and Smt. Sreyashee Bhaumik by way of “sale or gift” within the month of July, 2024, which would be revealed from the order dated 14.12.2023 in FA 1 of 2023.

Under clause (2) of the terms of settlement it was decided that the husband-Sri Timirendu Bhowmik would purchase the flat within a period of 6(six) months from the date of the order dated 14.12.2023. It was also agreed upon that all the expenses would be borne by Sri Timirendu Bhowmik. With the aforesaid directions, the first appeal was disposed of by order dated 14.12.2023. Thereafter, though, Sri Timirendu Bhowmik had purchased the flat but it could not be registered since the respondent-wife did not come forward for the purpose of execution and registration of the sale deed as regards the flat as undertaken to be registered in her name.....

4.5. It was agreed upon between the parties that Smt. Kanika Nath (Bhaumik) would visit to Kolkata to transfer her share over the flat as well for registration, and in that case Sri Timirendu Bhowmik would bear all expenses as regards her travelling and staying in Kolkata. Sri Timirendu Bhowmik had also agreed and undertaken that after handing over the vacant possession of the flat at Agartala, he would take all necessary steps to furnish the same within a period of 30(thirty) days. The builder would execute the sale deed of the flat in favour of Smt. Kanika Nath (Bhaumik) on 8 th July, 2024 after receipt of full consideration money to be paid by Sri Timirendu Bhowmik. For smooth registration of flat in favour of Smt. Kanika Nath (Bhaumik), this Court also directed the Sub-Registrar of Sadar to register the sale deed of the flat in favour of Smt. Kanika Nath (Bhaumik) and simultaneously the gift deed in favour of Smt. Saheli Bhaumik as stated in that order dated 27.06.2024 on 08.07.2024. The said undertaking dated 27.06.2024 is clear and unambiguous. Smt. Kanika Nath (Bhaumik) on her own will and volition had agreed and undertaken that she would transfer her properties in favour of her two daughters by executing the registered gift deed. In that meanwhile, from the Registry's note dated 02.08.2024 in IA No.1 of 2024 arising out of Cont.Cas(C) No.22 of 2024, it reveals that the petitioner had submitted an application under Section 151 of the Code of Civil Procedure, 1908 for recalling the order dated 27.06.2024 against the respondent-contemnor i.e. Smt. Kanika Nath (Bhaumik). The matter came up on 29.08.2024 before this Court when learned advocates of Smt. Kanika Nath (Bhaumik) had expressed their intention to retire from the case. Accordingly, their prayer to retire from the case was allowed and another advocate, namely Mr. Bikram Banerjee, learned counsel who came from Calcutta High Court had appeared on behalf of Smt. Kanika Nath (Bhaumik). The main contention of Smt. Kanika Nath (Bhaumik) and Mr. Banerjee, learned counsel appearing on her behalf was to recall the order dated 27.06.2024 whereby and whereunder Smt. Kanika Nath (Bhaumik) had given an undertaking to transfer the properties which are in her name in favour of her two daughters. However, this Court was not inclined to accept that submission of learned counsel appearing on behalf of her.....

4.8. Vide order dated 29.08.2024, it was held that Smt. Kanika Nath (Bhaumik) had already breached her undertaking which she undertook on 27.06.2024 in Cont.Cas(C) No.22 of 2024. It was also held that vide order dated 27.06.2024, the undertaking dated 14.12.2023 passed in FA No.1 of 2023 lost its existence and the order dated 14.12.2023 was superseded by subsequent order dated 27.06.2024. We opined that "the respondent-wife has caused substantial damage to the dignity of this institution. She has wilfully and deliberately flouted the order of this Court, in the meantime". This Court directed Smt. Kanika Nath (Bhaumik) to appear in-person before this Court on 05.09.2024 at 10:30 a.m. However, we had given another opportunity to Smt. Kanika Nath (Bhaumik) to respect and comply the Court's order dated 27.06.2024 in that meanwhile. The matter came up on 05.09.2024 when neither Smt. Kanika Nath (Bhaumik) nor any of her learned counsel appeared before this Court. In that way, Smt. Kanika Nath (Bhaumik) also deliberately violated the Court's order dated 29.08.2024 passed in IA No.1 of 2024 arising out of Cont.Cas(C) No.22 of 2024.

5. In that circumstance, the Court was compelled to issue a bailable warrant directing the Officer In-charge, East Agartala Women Police Station to cause her appearance before this Court today at 12:30 p.m. But as we observed earlier, the police could not trace her out and has sought for a short adjournment.

6. From the aforesaid facts and circumstances, we have no hesitation to arrive at a conclusion that Smt. Kanika Nath (Bhaumik) will not come forward to perform her part of performance of the undertaking as stated here-in-above and she has deliberately and desperately avoiding the Court's proceedings. Her engaged learned advocates also have chosen to bypass the Court proceedings. During the entire course of proceeding starting from first appearance, records speak that she has changed many learned advocates and they have retired from the case. This conduct of the respondent-wife is highly deprecated, as being unwarranted and amounts to demeaning the dignity and sanctity of the court. We have no hesitation to hold that she has no respect to court. She has flouted and violated the order of the court as well as the law of the land most deliberately and desperately which is not expected from a litigant. The framers of law while framing the Code of Civil Procedure, 1908(CPC) could well visualise of this kind of situation and for this, the framers have incorporated appropriate provision in the C.P.C. The respondent-wife thinks that if she remains absent from the Court's proceeding, the Court will be helpless. But, court is not helpless and to respond such a situation, the Court has taken the recourse of law to execute its order in an appropriate and substantive manner

7. In catena of judgments, the Apex Court has held that High Court in exercise of its contempt jurisdiction can execute its own order. In the case of *Md. Idris and Anr. Vs. Rustam Jehangir Bapuji and Ors*, (1984) 4 SCC 216: Air 1984 SC 1826, the Hon'ble Supreme Court while discussing the powers of the High Court held that the Court must justify in giving appropriate directions to close the breach of an undertaking, in addition to punish the party for contempt of court. As we have already held that Smt. Kanika Nath (Bhaumik), the respondent-contemnor is evading herself from performing her part of undertaking, i.e. to transfer the properties which are in her name, in favour of her two daughters named above by way of gift deed, in this circumstance, we are constrained to direct the Registrar Judicial, High court of Tripura to execute and register the gift deed in favour of her two daughters i.e. the properties of Kanika Nath (Bhaumik) situated at Agartala in the name of Smt. Saheli Bhaumik and her share over the flat situated in Prince Anwar Shah Road in Kolkata in favour of Smt. Sreyashee Bhaumik. It is pertinent to mention herein that the husband, Sri Timirendu Bhowmik has purchased the requisite stamps for Agartala property for execution and registration of the gift deed in favour of Smt. Saheli Bhaumik. Therefore, it is directed that the execution and registration of the gift deed for the property situated at Agartala shall be completed within a period of 7(seven) days from today.

Sri Timirendu Bhowmik is requested to contact Smt. Mou Banerjee, Registrar (Judicial) of the High Court of Tripura tomorrow at 10:30 am. Registrar Judicial, High Court of Tripura is requested to peruse the order and execute the gift deed as observed and directed here-in-above.

The Sub-Registrar, Sadar is also directed to make all necessary arrangement to register gift deed in terms of this order.

Simultaneously, Smt. Mou Banerjee, Registrar (Judicial), High Court of Tripura is also requested to execute and register the gift deed in favour of Smt. Sreyashee Bhaumik as regards the share of Smt. Kanika Nath (Bhaumik) over the property in Kolkata within a period of 1(one) month from today. Sri Timirendu Bhowmik shall bear all expenses of travelling and staying of Registrar (Judicial) in Kolkata.

9. In view of the report submitted by the Officer In-charge, East Agartala Women Police Station, the previous bail bond is hereby recalled and we issue fresh bailable warrant against Smt. Kanika Nath (Bhaumik). On her arrest, respondent-contemnor, Smt. Kanika Nath (Bhaumik) may be released on bail on furnishing a bond of Rs.10,000/-(rupees ten thousand) with one surety of like amount to the satisfaction of the arresting officer on her undertaking that she would appear before this Court on next Thursday, i.e. on 12.09.2024 at 10:30 am.

10. Copy of this order be forwarded to Registrar (Judicial), High Court of Tripura, the Sub-Registrar, Sadar and District Sub-Registrar, Alipore, Kolkata.

List the matter on 12.09.2024.

9. On 12.09.2024, in the same I.A. No. 1 of 2024 in Cont. Cas.(C) No. 22 of 2024, a non-bailable warrant was issued against the respondent-wife since she was evading the proceedings of the Court and the previous bailable warrant was recalled.

10. On 26.09.2024, the Court expressed its concern as the police failed to apprehend the respondent, Smt. Kanika Nath (Bhaumik). In the said order, it is also reflected that the respondent-wife preferred an SLP against the orders dated 27.06.2024 and 29.08.2023 passed by this Court directing execution of transfer deeds in favour of her daughters. The Hon'ble Supreme Court dismissed the SLP and directed the respondent to comply with the directions issued by this Court in its order dated 14.12.2023.

11. In the order dated 16.04.2025 passed in the present case, Mr. Ali, learned counsel appearing for the respondent-contemnor, represented that his client is repentant for her conduct and seeks unconditional apology to the Court. She also agreed to cooperate with the petitioner in execution of the deed of purchase of a flat in her name by the petitioner from the concerned promoters. Learned counsel for the petitioner submitted that two deeds have already been executed in favour of the two daughters of the parties at the intervention of the Court and the issue of purchase of a flat in the name of the respondent is pending. Learned counsel for the respondent prayed for bail of the respondent, stating that pursuant to issuance of warrant, she and her family members were being harassed by the police. This Court granted interim bail with condition till the next date upon furnishing a bail bond of Rs.30,000/-.

Learned counsel for the petitioner submitted that on 13.04.2025, the respondent held a press meet at the Agartala Press Club making

unfounded allegations against two Judges of this High Court who were earlier dealing with the case, which was telecast on various news channels, and a press release under her own signature was also issued.

12. Vide order dated 16.05.2025, it is reflected that the deed which was required to be executed in the name of the respondent-contemnor could not be executed as she was not present. Learned counsel for the respondent submitted that she was seriously ill and admitted in Tripura Medical College and Dr. B.R.A.M. Teaching Hospital and assured that after recovery and discharge, full cooperation would be extended.

13. Vide order dated 20.06.2025, it is reflected that although she was discharged from hospital, she was still unwell and sought further time for execution of the deed. In view of the allegations made against sitting Judges, the matter was placed before Hon'ble the Chief Justice for listing before an appropriate Bench.

14. Thereafter the same case was listed before this Bench. On 22.07.2025, notice was issued in the contempt petition. On 20.08.2025, this Court enquired from learned counsel for the contemnor whether she intended to tender an unconditional apology or to contest the proceedings under the Contempt of Courts Act. On 27.08.2025, it was represented that the contemnor was not inclined to tender any apology and intended to contest the matter.

15. On 05.12.2025, learned counsel for the contemnor represented that an affidavit had been filed stating that a review petition vide Diary No. 46494 of 2025 seeking review of the judgment/order of the Hon'ble Supreme Court dated 13.09.2024 passed in Special Leave to Appeal (C) Nos. 20851-20852 of 2024 is pending. Learned counsel for the petitioner submitted that mere filing of a petition before the Hon'ble Supreme Court does not stall contempt proceedings in the High Court in the absence of any stay order, and relied upon judgments of the Hon'ble Supreme Court in support thereof. It was contended that the conduct of the respondent is a dilatory tactic to avoid contempt proceedings.

Mr. Siraj Ali, learned counsel for the respondent, submitted that certain judgments support the respondent's stand for staying contempt proceedings and sought time to prepare.

16. Accordingly, the case was listed today.

17. It has been submitted by learned counsel appearing for the petitioner that the contemnor committed contempt by making allegations against the then sitting Judge, Hon'ble Mr. Justice Arindam Lodh, and by addressing a press conference in that regard. The cruxes of the allegations are that:-

"The then Justice Mr. Arindam Lodh is not performing his judicial duties well.

The then Justice Mr. Arindam Lodh is doing favouritism while performing his Judicial duties.

The then Justice Mr. Arindam Lodh has passed biased Judgment and Order with ulterior motive hampering the spirit of justice."

18. It is seen from the above discussion that this High Court has taken cognizance of the matter. Notices were issued and reasonable opportunity was afforded to the respondent-contemnor. Considering her condition, being a woman and undergoing trauma due to prolonged litigation relating to divorce, maintenance, permanent alimony, etc., this Court indicated that a lenient view may be taken if an affidavit of apology was filed. However, upon instructions, learned counsel for the respondent-contemnor stated that she was not inclined to tender any apology and was prepared to face the consequences. Still, the matter was adjourned to afford another opportunity.

19. Then when the case was called, Mr. Siraj Ali, learned counsel for the respondent submitted that a review petition is pending before the Hon'ble Supreme Court.

20. At that, learned counsel for the petitioner submitted that mere approaching the Hon'ble Supreme Court would not restrain this Court from proceeding in the matter. At the request of learned counsel for the respondent, the matter was adjourned today for placing relevant judgments and for hearing on merits.

21. Today, when the case is called, Mr. S. Ali, learned counsel for the respondent-contemnor, advanced arguments on merits as well as on the legal issue regarding continuation of contempt proceedings and relied upon the following judgment:-

21.1. Relevant portion of the Order as indicted herein of the Hon'ble Supreme Court reported in 2022 LiveLaw (SC) 950 titled as *Reliance Industries Limited Vs. Vijayan A(Authorised Representative of Securitas and Exchange Board of India)*:-

“Therefore, this Court observed that when the stay application is yet to be heard and decided and disposed of, the contempt proceedings cannot be initiated.”

21.2. *Paras-3 and 7* of the Hon'ble Supreme Court Judgment reported in (1992) 4 SCC 167 titled as *State of J & K Vs. Mohd. Yaqoob Khan and ors.*, in *Civil Appeal No.3472 of 1992* decided on August 26, 1992:-

“3. The respondent No. 1 filed a writ petition under Article 226 of the Constitution registered as Writ Petition No. 133 of 1990 for the implementation of, what has been described by Mr. Bhandare, the learned Counsel for the respondents, as a decree modified subsequently by a compromise between the parties. On 19.03.90 an ex-parte interim order was passed by the High Court directing notice to be issued to the respondents in the writ petition as also in the stay matter with a direction that the case would be listed in the second week of May, 1990. The order further said that in the meantime, out of the agreed timber in accordance with the compromise entered into between the writ petitioner and the Government, 50% of the timber shall be given to the writ petitioner on his furnishing a bond. According to Mr. Salve, the learned Counsel for the appellant, the appellant and its officers were expecting that they were not required to immediately obey the interim direction, as the stay matter was fixed to be heard in the second week of May, 1990, and specially as there was no time indicated for compliance of direction. However, the writ petitioner, without waiting for the next date in the case, filed the application on 02.04.90 on which the impugned order was passed. According to Mr. Salve the stay application was still pending final disposal and the appellant was to be heard. Then again, there was no occasion for assuming that the ex-parte order, which did not even mention any period for compliance, had to be obeyed immediately. At this stage it has to be appreciated that the aforesaid direction although passed as an interim order in a pending interlocutory matter was, in substance, a final order allowing the writ petition in part without hearing the other side. The direction was not for maintenance of status quo; nor again was it restraint order on the State authorities forbidding from taking any step to which the writ petitioner could have an objection. As a result of the interim direction, the writ petitioner was to receive the fruits of the decree (in the language of the learned Counsel for the respondents before us, that is, the writ petitioner) to the extent of half. The facts disclose that the stakes in the case

are very high. According to the State it had already paid a huge amount of money. Mainly it has discharged its obligation in full. Hence it is not liable to pay anything further or to deliver any timber as claimed by the writ petitioner. That issue remains to be decided at the time of the final hearing of the writ petition.

7. We, therefore, hold that the High Court should have first taken up the stay matter without any threat to the respondents in the writ case of being punished for contempt. Only after disposing it of, the other case should have been taken up. It is further significant to note that the respondents before the High Court were raising a serious objection disputing the claim of the writ petitioner. Therefore, an order in the nature of mandatory direction could not have been justified unless the Court was in a position to consider the objections and record a finding, *prima facie* in nature, in favour of the writ petitioner. Besides challenging the claim on merits, the respondent is entitled to raise a plea of non-maintainability of a writ application filed for the purpose of executing a decree. It appears that at an earlier stage the decree in question was actually put in execution when the parties are said to have entered into a compromise. According to the case of the State the entire liability under the decree (read with the compromise) has already been discharged. The dispute, therefore, will be covered by [Section 47](#) of the CPC. It will be a serious question to consider whether in these circumstances the writ petitioner was entitled to maintain his application under [Article 226](#) of the Constitution at all. We do not want to decide any of these controversies between the parties at this stage except holding that the orders passed in the contempt proceeding were not justified, being pre-mature, and must, therefore, be entirely ignored. The High Court should first take up the stay matter in the writ case, and dispose it of by an appropriate order. Only thereafter it shall proceed to consider whether the State and its authorities could be accused of being guilty of having committed contempt of Court.”

21.3. **Paras 4 and 5** of the Judgment of the Hon’ble Supreme Court reported in **1995 Supp (4) Supreme Court Cases 465** titled as **Modern Food Industries (India) Ltd and Anr. Vs. Sachidanand Dass and anr.**, in **Civil Appeal No.3932 of 1992** decided on **September 21, 1992:-**

“4. Before the High Court, appellants urged that before any contempt proceedings could be initiated, it was necessary and appropriate for the Division Bench to examine the prayer for stay, or else, the appeal itself might become infructuous. This did not commend itself to the High Court which sought to proceed with the contempt first. We are afraid, the course adopted by the High Court does not commend itself as proper. If, without considering the prayer for stay, obedience to the Single Judge's order was insisted upon at the pain of committal for contempt, the appellants may find, as has now happened, the very purpose of appeal and the prayer for interlocutory stay infructuous. It is true that a mere filing of an appeal and an application for stay do not by themselves absolve the appellants from obeying the order under appeal and that any compliance with the learned Single Judge's order would be subject to the final result of the appeal, But then the changes brought about in the interregnum in obedience of the order under appeal might themselves be a cause and source of prejudice. Wherever the order whose disobedience is complained about is appealed against and stay of its operation is pending before the Court, it will be appropriate to take up for consideration the prayer for stay either earlier or at least simultaneously with the complaint for contempt. To keep the prayer for stay stand-by and to insist upon proceeding with the complaint for contempt might in many conceivable cases, as here, cause serious prejudice. This is the view taken in *State of J & K v. Mohd. Yaqoob Khan*.

5. In the present case, under the threat of proceedings of contempt, the appellants had to comply with the order of the learned Single Judge notwithstanding the pendency of their appeal and the application for stay. The petitioners are confronted with a position where their stay application is virtually rendered infructuous by the steps they had to take on threat of contempt.”

22. While relying quoted paras of these above judgments, the learned counsel for the respondent prayed that the since the matter is pending before the Hon’ble Supreme Court, this Court cannot go into the contempt case.

23. To counter the said argument, Mr. S. Lodh, learned counsel appearing for the petitioner relied upon the order of the Hon’ble Apex Court reported in (2020) 20 SCC 400 titled as *Asit Kumar Das Vs. J. Panda, Chief Post Master General and ors* in *Civil Appeal No.1227 of 2025* dated 22nd January, 2015. The same is produced here-in-under:-

“1. Leave granted, We have heard the learned counsel for the parties. We find no justifiable reason for the High Court to direct the contempt petition filed by the petitioner "to go out of list for the present," merely on the statement made on behalf of the alleged contemnor that a special leave petition had been filed in this Court. Contempt proceedings shall always be maintainable unless the appellate court finds it fit to stay the operation of the order/judgment of which contempt is alleged.”

24. Referring to the above-mentioned order of the Hon’ble Supreme Court in *Asit Kumar Das (supra)*, learned counsel appearing for the petitioner reiterated that mere approaching the Hon’ble Supreme Court does not operate as an embargo on contempt proceedings unless the Hon’ble Supreme Court takes cognizance and grants an interim stay of proceedings pending before the High Court.

25. Heard both sides and perused the records.

26. From the records, it is evident that the contemnor made statements alleging that the then Justice Mr. Arindam Lodh was not performing his judicial duties properly, was indulging in favouritism and had passed biased judgments with ulterior motive, thereby hampering the spirit of justice. This Court takes serious note of such conduct and reiterates that if any litigant is aggrieved by an order, legal remedies are always available. However, addressing the media and issuing press statements is not a remedy that can be appreciated by this Court.

27. This Court is also unable to accept the submission that the pendency of a review petition before the Hon'ble Supreme Court would, by itself, stall the present contempt proceedings. It is well settled that mere filing of a petition before the Hon'ble Supreme Court does not operate as a stay of proceedings before the High Court unless there is a specific order of stay passed by the Hon'ble Supreme Court. In the absence of any such stay, the contempt proceedings are maintainable and liable to be proceeded with. Consequently, the judgment relied upon by the learned counsel for the respondent is not applicable to the facts and circumstances of the present case.

28. Hence, this Court finds the respondent guilty of the allegations and decides to punish the contemnor.

29. The contemnor being present in Court, as a measure of punishment, this Court directs that she shall stand in the Court till the Court rises. Considering her status as a woman and taking a lenient view, the said punishment is imposed. Accordingly, the contempt case stands disposed of.

30. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stand closed.

B. PALIT, J

T. AMARNATH GOUD, J

suhanjit

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