

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONTEMPT CASE (C) NO. 132 OF 2015**

Santosh Kumar Sahu son of late Ramnath Sahu, now aged about 46 years, R/o Village Laxmipur, Police Station and Tahsil Ambikapur, Civil and Revenue District Surguja (C.G.)

---Petitioner**Versus**

1. Janaklal Gupta son of Late Triloki Sao, now aged about 57 years,

2. Smt. Baudhi Devi Wife of Harihar Sao, now aged about 59 years,

Both R/o. Mohalla Manipur, Near Hanuman Mandir, Police Station and Tahsil Ambikapur, Civil and Revenue District Surguja (C.G.)

3. Hardev Sao son of Thakuri Sao, now aged about 61 years, R/o. Village Parasdeeh, Police Station Chalgali, Tahsil Wadrafnagar, Civil and Revenue District Surguja (C.G.)

----Respondents

For Petitioner : Smt. Hamida Siddiqui, Advocate
 For Respondent No.1 : Mr. Anurag Dayal Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/10/2015**

1. This contempt petition has been filed for non-compliance of Court's order dated 06/01/2014 passed in Misc. Appeal No. 85/2013. In the Order dated 06/01/2014 this Court observed as under:-

“(9).....Apart from this, fact remains that the application for temporary injunction was granted by the trial Court, reversed by the first appellate Court and set aside by this Court in W.P. (227) No. 237/2012 and the defendant has already made a statement that he will not alienate the suit property during pendency of the suit. Thus, the trial Court has not committed any illegality warranting interference by the Court in exercise of jurisdiction under Order 43 Rule 1(r) of CPC.

(10) Consequently, the appeal fails and is hereby dismissed at the admission stage without notice to the other side.”

2. Mr. Anurag Dayal Shrivastava, learned counsel appearing for the respondent/contemnor No.1 would bring to notice of this Court that the undertaking was given by the respondent/contemnor No. 1 in a proceeding arising out of Civil Suit No. 23-A/2012 and that Civil Suit has been withdrawn/plaint has been returned by that Court on 07/02/2013 and upon withdrawal of civil suit undertaking given has already been come to an end.

3. The fact remains that undertaking given before this Court in the writ petition came to an end on the return of the plaint by the trial Court on 07/02/2013 (Annexure R-1) and therefore, that undertaking is not in existence in the subsequent instituted Civil Suit No. 14-A/2013 and merely because such undertaking was taken into account in the order dated 06/01/2014 by this Court, the

respondents can not be punished for non-compliance of this Court's order.

4. Accordingly, contempt petition is closed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari