

HONOURABLE SRI JUSTICE S.RAVI KUMAR

CONTEMPT CASE No.1788 OF 2014

Dated 30th March, 2015

Between:

B.Balamukund Rao.

...Petitioner.

And:

R.Ramulu, Branch Manager, National Insurance Company, RTC X Roads, Chikadpally, Hyderabad.

...Respondent.

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ORDER:

This petition is filed under Section 10 and 12 of Contempt of Court Act (hereinafter referred to as 'the Act') by party-in-person alleging that the respondent herein has not passed any order on his representation dated 1-2-2013 and the said act amounts to willful and deliberate violation of the judgment of the Honourable Supreme Court and liable for punishment.

Other side filed counter disputing the allegation of contempt. He contended that application is not maintainable and the facts are not attracted to the provisions of Sections 11 and 12 of the Contempt of Courts Act. Besides that, respondent has referred to various proceedings initiated by party-in-person and their result.

Heard both sides.

Party-in-person submitted that as the respondent has not passed any orders on his representation dated 1-2-2013, he was forced to approach this court by invoking provisions of Contempt of Courts Act taking aid from the judgment of the Honourable Supreme Court.

Other side advocate submitted that to attract provisions of Contempt of Court's Act, there must be material to show that respondent

disobeyed any directions of this court or Honourable Supreme Court and without that, the provisions cannot be invoked.

I have perused the material papers including the provisions of Contempt of Courts Act.

Criminal Contempt and Civil Contempt are defined in Section 2 (b) and (c) of the Act. According to which, Civil Contempt is a willful disobedience of any judgment, decree or direction of an order in writ or other process of a court or willful breach of undertaking given to a court. Admittedly, here there is no such direction or order against respondent herein to attract the definition of civil contempt.

As seen from the record, the petitioner herein made a claim before respondent herein and his claim was repudiated on 22-10-2010 and the petitioner herein approached the Insurance Ombudsman who rejected the claim of the petitioner by its order dated 12-4-2011 and thereafter, he approached District Consumer Forum at Hyderabad where his claim was dismissed by an order dated 9-1-2012, challenging the same, he approached A.P.State Consumer Disputes Redressal Commission, Hyderabad and his appeal was dismissed on 8-10-2012 confirming the orders of District forum and thereafter, he preferred review before the A.P.State Consumer Disputes Redressal Commission, Hyderabad, that was also dismissed on 9-4-2013 and thereafter, he filed writ petition in W.P.No.12750 of 2013 and the same is pending before this Court.

Now as seen from the material, remedy of the petitioner is to pursue the writ petition and as there is no order from any court in favour of petitioner and against respondent, the provisions of Contempt of Courts Act cannot be invoked.

As seen from the material, even the office took this objection as to the maintainability of this petition. Only grievance of the petitioner is that as his representation is not decided by the respondent, it would amount to contempt but the said submission cannot be accepted as it does not fall within the ambit of definition of civil contempt or criminal contempt as given in the Contempt of Courts Act.

For these reasons, I am of the view that the application is devoid of merits and therefore, dismissed as not maintainable.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI KUMAR

Dated 30th March, 2015.

Dvs

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Dvs