

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS
CONTEMPT CASE No. 1438 OF 2015

ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The petitioner herein, who is the petitioner in Writ Petition No. 19413 of 2014, which was disposed of by this Court on 14.07.2014, complains that the respondent Branch Manager of Union Bank of India, Tuni, has violated deliberately and purposefully the direction issued by this Court in the aforementioned order. Further, in paragraph 6 of the order passed by this Court in Writ Petition No. 19413 of 2014, considering the request made by the learned counsel for the petitioner, two weeks' time from the date of receipt of a copy of the details of outstanding amount from the bank was granted for payment of the entire amount. In that view of the matter, while leaving liberty to the bank to go ahead with the sale, confirmation of sale was held up till such time the time granted by this Court stands expired.

The complaint in the Contempt Case is that in paragraph 5 of the aforementioned order, the respondent bank was directed by this Court to furnish a copy of the statement of the amount due by the petitioner within two days from the date of receipt of a copy of that order. Now, along with the counter-affidavit, the learned Standing Counsel for the bank has made available a copy of the statement dated 15.07.2014 made available to the petitioner. It is therefore, clear that the bank has acted with necessary promptitude in complying with the directive issued by this Court in paragraph 5 of its order.

However, the grievance of the petitioner is that the statement furnished by the bank on 15.07.2014 disclosing the outstanding amount due by the petitioner is not a faithful statement. Such disputed questions of fact cannot be adjudicated in this Contempt Case and we do not find any justification to entertain this Contempt Case. If the

petitioner has got any subsisting grievance against the respondent bank for its failure to furnish a faithful and truthful statement of the outstanding dues, it is open to the petitioner to approach the competent civil Court, but he cannot sue the respondent bank for contempt of Court action. However, we are not convinced that this is an appropriate case for any further proceedings to be initiated and hence, this Contempt Case is dismissed.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

28th August 2015

ksld