

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3185 of 2016

In
Civil Writ Jurisdiction Case No. 6351 of 2016

=====

Smt. Daymanti Devi

.... Petitioner/s

Versus

Bhushan Prasad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Respondent/s : Mr. Rabindra Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 03-10-2016 Heard the learned counsel, Mr. Nawal Kumar Singh, for the petitioner.

This application for initiation of contempt proceeding has been filed under Article 215 of the Constitution of India and Section 10 and 12 of the Court of Contempt Act.

The learned counsel for the petitioner submitted that the Court below has violated the order dated 13.07.2016 passed by this Court in C.W.J.C. No.6351 of 2016.

The order dated 13.07.2016 passed by this Court is Annexure '1'.

It appears that the writ application was filed for setting aside the order dated 17.03.2016 passed in Execution Case No.2 of 2013 whereby the petitioner was directed to file a separate execution case for delivery of possession of her share. This Court set aside

the order passed by the executing Court holding that the petitioner is not required to file separate execution case, therefore, the application filed by the petitioner be disposed of by the Court in the same execution case. In such circumstances, in my opinion, there is no violation of the order passed by this Court. Therefore, this contempt application is not maintainable.

Accordingly it is dismissed.

After the above order is dictated, the learned counsel for the petitioner seeks permission to withdraw this contempt application. Since, I have dictated in the open Court, there is no question of withdrawal of the MJC application. Therefore, prayer is refused.

(Mungeshwar Sahoo, J)

Sanjeev/-

U		T	
---	--	---	--