

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3226 of 2016

In
Civil Writ Jurisdiction Case No. 2812 of 2013

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Eden Transport Pvt. Ltd. Through Its Director Niranjana Kumar Rai son of late Kamaldev Rai, resident of 4 Lee Road, P.S. & P.O. Bhawanipur, Dist. Kolkata.

.... Petitioner/s

Versus

1. The Bihar State Road Transport Corp. Through Its Managing Director Sultan Place Birchand Patel Path, Patna.
2. Smt. Sujata Chaturvedi Administrator, Bihar State Road Transport Corporation, Patna.
3. Rajesh Jha, Chief Mechanical Engineer, Bihar State Road Transport Corporation, Patna.

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Saroj Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 14-12-2016 Heard Mr. Raushan counsel for the petitioner and Mr. P.K.Verma, Sr. Advocate assisted by Mr. Mukul Sinha for the opposite parties.

A show cause is filed on behalf of the opposite party nos. 1 and 2.

The application alleges wilful /deliberate disregard/disobedience of the order dated 20.05.2016 passed in CWJC No. 2812 of 2013 (Annexure-1) at the hands of the opposite parties.

It is stated in the show cause that aggrieved by the said order, the opposite parties have filed intra- court appeal vide



LPA No. 2146 of 2016 along with a petition for condoning the delay (I.A. No. 8999 of 2016) as well as the petition for stay of the order during pendency of the appeal vide I.A. No. 9000 of 2016.

Learned counsel for the opposite parties, relying on **Modern Food Industries (India) Ltd. & Anr. vs. Sachidanand Dass & Anr. [1995 Supp (4)SCC 465]**, states that the consideration of the present application be either deferred or disposed of by permitting the petitioner to file a fresh contempt application if the cause survives after disposal of the said LPA.

Having heard the parties and considering the law laid down in the aforesaid case, the present contempt petition is dismissed. However, the petitioner shall have liberty to file a fresh application for the identical/similar relief upon disposal of pending LPA, if the cause of action survives.

(Kishore Kumar Mandal, J)

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