

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.798 of 1991

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Dr.Gulam Quadir

.... Petitioner/s

Versus

Abdul Qadir & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar-Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

06 01-02-2016

None appears on behalf of respective parties.

Instant petition has been filed on behalf of petitioner praying therein to initiate contempt against the opposite party on account of flouting the order dated 16.08.1991 passed in C.R. No.270 of 1991 and accordingly, the opposite parties were noticed. Subsequently thereof, as is evident, the matter sailed to the Hon'ble Apex Court and the operation of the order was stayed. Therefore, the matter was directed to be listed after passing of order at the end of Hon'ble the Apex Court. It is further evident that S.L.P. (Civil) No.16701 of 1999 was converted as Civil Appeal No.6967 of 2000 and the same was decided on 28.11.2000. The aforesaid order is not available on the record, save and except the status report. None of the parties since thereafter appeared at least to apprise the Court whether the order passed under C. R.No.270 of 1991 survives or not. Petitioner

should have, at least, taken pain to place the relevant document.

The matter of contempt always happens to be in between Court and the contemner. However, the matter was yet to be adjudicated upon. The order, so alleged, was challenged before the Hon'ble Apex Court wherein the petitioner was a party. From the conduct of the petitioner, it is apparent that had there been affirmation of the order, then in that event, he must have proceeded with the instant M.J.C. Petition by way of filing the order passed by the Hon'ble Apex Court. Absence of petitioner suggests contrary event. As such, keeping the matter pending since 1991 will serve fruitful purpose.

Accordingly, instant petition is rejected.

(Aditya Kumar Trivedi, J)

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