

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1110 of 2016**

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Amlendu Kumar

.... Appellant/s

Versus

Shaligram Prasad & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Sinha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 19-11-2016

Heard learned Senior counsel, Mr. T.N. Maitin, for
the petitioner.

2. Perused the impugned order dated 21.07.2016 passed
by the Sub-Judge-IV, Munger in T.S. No. 89 of 1986 whereby the
learned court below disposed of the application under Order 39
Rule 2(A) C.P.C. saying that if after evidence, it is found that any
of the party to the suit have breached the order dated 09.09.1986
then the consequence of such disobedience can be imposed upon
him.

3. The only grievance of the petitioner is that a separate
contempt proceeding should have been initiated by the court
below but instead of initiating separate proceeding, it has been
held that the matter shall be considered after evidence. The court
below has disposed of the application.

4. In view of the grievance of the petitioner that

the application filed under Order 39 Rule 2(A) C.P.C. has been disposed of and it can be decided after evidence is concerned, it may be mentioned here that the court below itself observed that the matter shall be considered finally after evidence, and, therefore, because the application has been disposed of, it cannot be said that there is illegality in the order passed by the court below. The matter is still open to be raised by either of the party which shall be decided finally after evidence.

5. Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)