

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.288 of 2005

Uma Shankar Shahi, son of late Jagdish Narain Shahi, resident of Village- Sahwajpur, Police Station and Anchal- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Rai, son of late Ram Milan Rai
3. Pramod Rai, son of Asharfi Rai, Both are resident of Village- Sadatpur, Police Station- Kanti, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s :

Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 04-10-2017

This application has been filed for initiating action for contempt on account of the fact that an interlocutory order granted on 09.07.2001 in C.W.J.C. No. 924 of 1998 has been violated.

While admitting the writ petition and issuing notice to Respondent Nos. 3 to 6 *status quo* was directed to be maintained as it was existing on 09.07.2001. *Inter alia* contending that inspite of the *status quo* granted on 09.07.2001 vide sale-deed brought on record as Annexure-2 certain portions of the lands have been sold by the sale-deed on 29th of March,



2003, this contempt application has been filed and on notice being issued, respondents have filed a detailed counter affidavit and it is said that the copy of the order passed on 09.07.2001 was never served upon them. They were made aware of the order passed only when notice of this contempt application was received by them. Even though these show-cause notices have been filed by the respondents way back on 19.01.2006 and 21.02.2006 respectively, the petitioner has not indicated or brought on record any documentary evidence to show as to when, how and in what manner the interlocutory order passed on 09.07.2001 was served on Respondent Nos. 3 to 6, neither in the petition nor is there any document to show as to how and in what manner an ex parte interim order dated 09.07.2001 was brought to the notice of the respondents.

Keeping in view the show-cause filed by the respondents indicating no knowledge with regard to the order passed and various other factors mentioned therein, no case is made out for initiating action for



contempt. The application is dismissed, however, the effect of the same is open to be considered in the pending writ petition.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	09.10.2017
Transmission Date	

