

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3617 of 2014

In
Second Appeal No.128 of 1994

1. Bibi Rehana & Ors.

... .. Petitioner/s

Versus

1. Mr. Sahabuddin & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Ambrish Kr. Jha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 15-09-2017 *Inter alia* contending that an order of status granted in Second Appal No.128 of 1994 on 02.05.2000 has been flouted, this application has been filed for initiating action for contempt under Article 215 of the Constitution of India read with Section 12 of the Court of Contempts Act.

The order passed breach of which is complained in this application is an order of injunction passed in an appeal under Section 100 of the Code of Civil Procedure (for short, ‘the Code’) and against such a breach, the remedy is available under Order 39 Rule 2A of the Code. The Supreme Court in the case of **Modern Food Industries (India) Ltd. and another Versus Sachidanand Dass and another** [1995 Supp (4) SCC 465] has clearly laid down the principles that when an order is excutable in accordance with law like in this case while taking recourse to



the remedy available under Order 39 Rule 2A of the Code, the contempt application is not maintainable.

Keeping in view the aforesaid, this application is dismissed with liberty to take recourse to the remedy available under Order 39 Rule 2A of the Code for seeking execution or implementation of the injunction granted in the second appeal.

(Rajendra Menon, CJ)

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