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HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 117 of 2014

Shri Sitaram Panchayati Sewa Samiti Gandhi Chowk, Durg- 491001, Thru- Its President- Bajrang Joshi, Age- 76 Yrs, S/o Late Chhogalal Joshi, Shri Sitaram Panchayati Sewa Samiti, Ram Mandir Campus, Gandhi Chowk, Durg- 491001, Tah. And Distt. Durg C.G.

---- Petitioner

Versus

1. Smt. Kiran Thawait Fourth Civil Judge Class-2, Durg- 491001, District Court, Durg, 491001, Tah. And Distt. Durg C.G.
2. Kailash Chand Bakliwal S/o Late Rajulal Bakliwal Aged About 64 Years R/o Gandhi Chowk, Durg- 491001, Revenue Tah. And Distt. Durg C.G.
3. Shantilal Bakliwal S/o Late Rajulal Bakliwal Aged About 72 Years R/o Gandhi Chowk, Durg- 491001, Revenue Tah. And Distt. Durg C.G.
4. Champalal Jain S/o Late Jivanlal Jain Aged About 69 Years R/o Gandhi Chowk, Durg- 491001, Revenue Tah. And Distt. Durg C.G.
5. Pawan Kumar Jain S/o Late Madanlal Jain Aged About 54 Years R/o Gandhi Chowk, Durg- 491001, Revenue Tah. And Distt. Durg C.G.
6. Prayagnath S/o Late Agrahij Aged About 67 Years R/o Gandhi Chowk, Durg- 491001, Revenue Tah. And Distt. Durg C.G.
7. Satyanarayan S/o Ramkripal Choudhary Aged About 64 Years R/o Gandhi Chowk, Durg- 491001, Revenue Tah. And Distt. Durg C.G.

---- Respondents

For Petitioner	:	None appears
For Respondent	:	None appears

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/01/2017

1. In this petition, adjournment was granted on 18.2.2016 on the request of learned counsel for the petitioner. On 31.3.2016, none appeared for the petitioner and the case was directed to be listed on 4.4.2016. On 4.4.2016,

appearance was made by learned counsel for the parties and the case was directed to be listed on 6.4.2016. On 6.4.2016, respondents were granted time to file supplementary affidavit. On 22.7.2016, the case was adjourned recording that the counsel for the petitioner is on adjustment. Today, when the case is listed for hearing, again the counsel for the petitioner is said to be on adjustment.

2. The contempt petition has been filed alleging willful disobedience of order dated 29.4.2013 on the allegation that once a compromise was recorded between the parties regarding disposal of the petition vide order dated 29.4.2013 without any objection from contemnors No.2 to 7, no proceeding could be drawn for attachment of immovable property of the complainant. The petitioner has alleged that contemnor No.1, Attachment Officer was bound by the order of the Court and despite there being disposal of the writ petition, proceedings for attachment were drawn.
3. A reading of the order dated 29.4.2013 shows that the writ petition was disposed off in view of the joint submission made by the parties that the petition may be disposed off as the petitioner therein is ready to handover possession of the suit shop strictly in terms of compromise decree (EX.P-4) without imposing any new condition and respondents are also ready to take possession on 6.5.2013. The disposal of the writ petition did not absolve judgment debtor of its liabilities under the decree only on the ground that possession was handed over. In the order dated 29.4.2013, there is nothing to show that this Court directed that except possession, no other steps would be taken in the matter.
4. In view of the above, this Court is of the opinion that it is not a case of willful disobedience of the order passed by the Court.
5. The contempt petition is therefore dismissed. Rule is discharged.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge