

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CONTEMPT CASE No. 2360 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging willful disobedience to the order dated 04.04.2014 passed in W.A.No.567 of 2014 by a Division Bench of this Court in which one of us (MSRM,J) was a member. By the said order, the Division Bench confirmed the order dated 12.11.2013 passed by a learned Single Judge of this Court in W.P.No.20528 of 2000. Significantly, the said order of the learned Single Judge was neither modified nor altered in any manner but merely confirmed. The issue as to whether such confirmation of an order under appeal would result in merger of the said order with the appellate order has not been finally decided in so far as this High Court is concerned.

Sri G. Vidya Sagar, learned senior counsel representing the respondents, would however state that in the light of the confirmation simplicitor of the order under appeal in W.A.No.567 of 2014, he would have no objection to the petitioner initiating contempt proceedings in relation to the order dated 12.11.2013 passed in W.P.No.20528 of 2000.

That being so, without going into the issue of merger, the Contempt Case is closed leaving it open to the petitioner to move fresh contempt proceedings in relation to the order dated 12.11.2013 passed in W.P.No.20528 of 2000. As the third respondent was already impleaded in this Contempt Case *vide* Court order dated 25.11.2016, it is open to the petitioner, if she so chooses, to include him in the array of parties, in the event she files a fresh contempt case. No order as to costs.

SANJAY KUMAR, J

Date: 03.02.2017

M. SEETHARAMA MURTI, J

Note: Issue CC by 06.02.2017
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