

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.878 of 2011

In
Miscellaneous Appeal No.796 of 2009

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Smt. Sharda Devi, D/o Raghunandan Pandit, resident of Village-Dubebaha,
P.S. Badka Gaun, District-Gopalganj

... .. Petitioner/s

Versus

1. Janardan Pandit, son of Budhi Ram, resident of Mohalla-Chanmari Road,
P.S. Kankarbagh, District Patna
2. Ram Lal Sao, son of not known, resident of Village, Dubebaha, P.S. Badka
Gaun, District Gopalganj, posted at PMCH and at present resident of
Mohalla-Laljee Tola, P.S. Gandhi Maidan, Patna
3. Raghunandan Pandit, so of not known, resident of Village, Dubebaha, P.S.
Badka Gaun, District Gopalganj
4. The State of Bihar

... .. Opposite parties

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 29-08-2018

Heard Mr. Neeraj Kumar, learned counsel for
the petitioner.

This contempt application is filed alleging
violation of the judgment and order of a Division
Bench in M.A. No. 796 of 2009 when after casting
obligation on the appellant for making payment of
permanent alimony as well as arrears of maintenance, a
liberty was given to the petitioner herein, who was the



respondent in the appeal, for moving in contempt in case of any violation. On alleged violation by opposite party no.1-appellant that this contempt was filed but has been dismissed as against him for non-compliance of the order passed on 23.03.2011. A Division Bench taking note of the office objection as to the competency of the present contempt application on its dismissal against the alleged contemner vide order dated 18.02.2013, allowed the present application to continue against other respondents.

In the meanwhile, a restoration application was filed for restoring this contempt as against the opposite party no. 1 arising from MJC No. 2072 of 2015 which has been dismissed on 18.01.2018. In other words, the contempt alleged against opposite party no.1 does not survive in the present application because this application, insofar as opposite party no.1 is concerned, stands dismissed and even the restoration application has been dismissed as discussed above.

In the aforementioned view of the matter, we hold this contempt application incompetent because the other opposite parties arrayed are proforma and thus



this application is dismissed as having become incompetent.

However, the petitioner would be at liberty to take recourse to such remedy as available in law.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
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