

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 102 of 2019**

1. Ashok Gupta S/o Late Narayan Prashad Gupta Aged About 66 Years R/o Near Rajkumar College J. E. Road Raipur, Chhattisgarh.,
2. Anil Gupta S/o Late Narayan Prashad Gupta Aged About 58 Years R/o Near Rajkumar College J. E. Road, Raipur, Chhattisgarh.,

---- Petitioners**Versus**

1. Smt. Seema Thakur W/o Shri Pravin Kumar Das Sub Divisional Magistrate District Mahasamund, Chhattisgarh.,
2. Madan Mohan Bagdi S/o Late Rupchand Bagdi Aged About 68 Years R/o Madhusudan Traders (Medical) Adward Road Sadar Bajar Raipur, Chhattisgarh.,
3. Goutam Jain S/o Mishrilal Jain Aged About 58 Years R/o Gurukul Complex Shop No. 2 Kalibadi, P. S. Kotwali, Raipur, Chhattisgarh.

---- Respondents/Contemnors

For Petitioners : Ms. Anju Gupta, Advocate.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****06.02.2019**

1. This Contempt Petition has been preferred under Section 12 of the Contempt of Court Act, 1971 (henceforth, 'the Act of 1971') for the violation of the Order dated 13.10.2006 passed by this Court in First Appeal No.172/2006.
2. It is pleaded in the petition that despite passing of the said order, the respondents started interfering with the peaceful possession of the petitioners. It is submitted further that respondent No.1 Smt.Seema Thakur, the Sub-Divisional Magistrate has initiated the proceedings under Section 145 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') despite passing of the said order. It is, therefore, prayed for initiation of contempt proceedings in the

matter.

3. I have heard learned counsel for the petitioner and perused the entire record carefully.

4. By order dated 13.10.2006, this Court had passed the order in the said appeal restraining the respondents (Kailash Shukla and Om Prakash Agrawal who are not the parties herein) from creating any third party interest with regard to the property in question till the next date of hearing. The said interim relief was extended on 19.12.2006, 20.03.2007 and thereafter on 09.03.2010. However, perusal of the further order sheets would show that the said interim relief was not extended from 25.08.2010 upto 28.01.2011.

5. Be that as it may, by way of the said interim order, the respondents, i.e., Kailash Shukla and Om Prakash Agrawal have been restrained from creating any third party interest till the next date of hearing, however, from perusal of the entire averments as made in this petition would show that no allegations as such regarding creation of third party interest have been levelled by the petitioners. Besides, the contemnors who have been impleaded herein, were not the party respondents before this Court when the said interim order was passed on 13.10.2006 in the said appeal. Thus, from any stretch of imagination, it cannot be held that the order as passed by this Court has been violated by any of the parties in absence of any document showing creation of third party interest pending decision of the said Appeal.

6. Contempt Petition is, accordingly, dismissed. No order as to costs.

Sd/-

(Sanjay Agrawal)
Judge