

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCONT No. 455 of 2019

- Smt. Anita Agrawal W/o Shri Ashok Agrawal Aged About 47 Years R/o P/34/B, Jain Mandir Road, Kanti Nagar, Bilaspur Chhattisgarh.

---- Petitioner

Versus

- Roshan Lal Agrawal S/o Shri K.K. Agrawal, R/o C/303/S.S. Enclave, Near S.S. Plaza Power House Road, Korba, Tehsil Korba, District Korba Chhattisgarh (Contemnor).

---- Respondent

For Petitioner :- Shri Mateen Siddiqui, Advocate

Order On Board ByHon'ble Shri Prashant Kumar Mishra, J04/07/2019

1. Heard.
2. Drawing attention of the Court to the interim order passed by this Court on 21.05.2019 and, thereafter, the final order passed by this Court on 18.06.2019 vide Annexure C-6 in WPC No.1857/2019, learned counsel would submit that during pendency of the writ petition the contemnor preferred an appeal before the Rent Control Tribunal, Raipur and

obtained an interim order in the said appellate proceedings on 10.06.2019. It is further submitted that before this Court the contemnor did not inform that he has already preferred an appeal, instead, withdrew the writ petition with liberty to prefer an appeal, as if, he is yet to prefer an appeal before the Tribunal.

3. Learned counsel would submit that even before the Tribunal the respondent did not inform on 10.06.2019 that the subject writ petition is pending before this Court.
4. It appears the contemnor was prosecuting two parallel proceedings before this Court and the Tribunal without informing either of the Court/Tribunal about pendency of the other proceedings. This appears to be highly objectionable, however, learned counsel for the petitioner would submit at the bar, that a proceeding has already been initiated before the Tribunal, therefore, he may be permitted to withdraw the petition. The applicant having already preferred a similar application before the Tribunal, learned counsel would seek permission of the Court to withdraw the contempt petition with direction to the Tribunal to decide the proceedings including the contempt application at the earliest.
5. In view of the statement made, petitioner is permitted to withdraw the present contempt petition, however, the

Tribunal is directed to decide pending appellate proceeding and the contempt application as well expeditiously. The petitioner may move again if the cause of action survives.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit