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16.09.2021
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Ct23

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
APPELLATE SIDE

CPAN 219 of 2019

In
WPA 3014 of 2011

Jyotish Chandra Karmakar
Vs.
R.K. Mallick & Anr.

Mr. S.K. Nandi,
Mr. S. N. Chattopadhyay
... For the applicant/petitioner.

The contempt petition was filed alleging violation of an interim order dated 21st February, 2011, passed in WP No.3014 (W) of 2011. By an order dated 11th March, 2019, the writ petition, being WP No.3014 (W) of 2011 was subsequently dismissed by vacating the order dated 21st February, 2011. An appeal, being FMA 505 of 2019 was preferred by the petitioner challenging the order dated 11th March, 2019. The said appeal has been disposed of by an order dated 18th February, 2021.

Although the petitioner says that the order in contempt has been complied with in view of the order of the Hon'ble Division Bench dated 18th February, 2021 and the petitioner does not want to proceed with contempt petition any further, but the fact remains that with the order dated 21st February, 2011 having been vacated and the writ being dismissed, there is no independent existence of the order under contempt

dated 21st February, 2011. The order dated 11th March, 2019 has also merged with the appellate order dated 18th February, 2011. The contempt petition, in that view of the matter, does not lie before the Single Bench on the orders passed in the writ petition having merged with the order passed in appeal.

The contempt proceedings are dropped. The contempt petition is disposed of without any further order.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)