

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5155 of 2018

In
SECOND APPEAL No.459 of 2016

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Rajendra Sharma Son of Ramdas Sharma Resident of Village- Semara, P.S.-
Thawe, P.O.- District- Gopalganj.

... .. Petitioner

Versus

1. Ramasraya Sharma Son of Chhathu Sharma Resident of Village- Semara,
P.S.- Thawe, P.O.- District- Gopalganj.
2. Bhagras Sharma Son of Chhathu Sharma Resident of Village- Semara, P.S.-
Thawe, P.O.- District- Gopalganj.
3. Smt. Mina Devi Wife of Brijkishore Prasad Resident of Village- Nachu
Jalalpur, P.S.- Kuchaikot, at present Vill- Thawe Bedashi Tola Amrit Medical
Hall and Nursing Home Road Station Thawe, P.S. Thawe, District-
Gopalganj.
4. Brij Kishore Prasad Son of Jaileshwar Prasad Resident of Village- Jalalpur,
P.S.- Kuchaikot, at Present- Bedashi Tola, Thawe, P.O.- Thawe, P.S.- Thawe,
District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Gautam Kumar Yadav, Advocate
For the Opposite Party/s :	Mr. Nagendra Rai, Advocate
	Mr. Navin Nikunj, Advocate
	Mr. Koshalendra Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 29-06-2022 The petitioner has filed this contempt application under Order 39 Rule 2A read with Article 215 of the Constitution of India and Section 12 of the Contempt of Courts Act for initiating contempt proceeding against the Opposite Parties who, according to the petitioner, have deliberately and willfully flouted an interim order dated 30.10.2017 passed in S.A. No. 459 of 2016 by this Court. By the said order dated



30.10.2017 passed in S.A. No. 459 of 2016, this Court while admitting the second appeal and calling for the lower court records, had directed the defendants/respondents to maintain *status quo* with regard to the land in question.

The petitioner is the appellant in S.A. No. 459 of 2016. It is his grievance that despite the knowledge of the said interim order dated 30.10.2017, the Opposite Parties have deliberately flouted the same by making construction over the said land. It is further the case of the petitioner that the Opposite Party No. 2 has executed a sale deed in respect of the disputed land in clear defiance of this Court's interim order.

A show cause reply has been filed on behalf of the opposite parties.

Heard Mr. Nagendra Rai, learned counsel for the petitioner and learned counsel representing the Opposite Parties.

Mr. Nagendra Rai, learned counsel appearing on behalf of the Opposite Parties has taken a very fair stand and has submitted that though, not deliberately, a sale deed has been executed by Opposite Party No. 2 despite the said interim order. Though, some defence has been set up in the show-cause reply filed on behalf of the Opposite Parties to contend that no case of deliberate disobedience of this Court's order is made out, he has



urged, taking a line of least resistance, the opposite parties tender unqualified apology for violation of this court's order dated 30.10.2017 passed in S.A. No. 459 of 2016 to the extent of the conduct pertaining to execution of the sale deed. As regards the allegation of construction being made over the land in question in violation of the said order of status quo, he has submitted that no construction has been made after the Opposite Parties learnt about the interim order passed by this court.

Be that as it may, in the Court's opinion, the unqualified apology tendered on behalf of the Opposite Parties appears to be genuine and worth being accepted. While accepting unqualified apology, it is deemed appropriate to dispose of this application with a direction to the Opposite Party no. 2 to pay to the petitioner a sum of Rupees 100/- (One Hundred) within one month from today.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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