

Item-1 23-09-2022

sg Ct. 8

CRC 12 of 2022
In
FMAT 58 of 2022

Kuddus Ali
Versus
Allauddin Mondal & Ors.

Mr. Satyam Mukherjee, Adv.
Mr. Soumyadeep Mukherjee, Adv.
...for the appellant

Mr. Dhananjay Banerjee, Adv.
Ms. Ranu Mondal, Adv.
...for the contemnors

In view of any clear finding with regard to the exact nature of the construction when the interim order was passed at this stage it is not possible to hold that there is a clear violation of the order having regard to the disclosure made at page 12 of the affidavit-in-opposition. In absence of any proof that the said wall was not in existence when the order of injunction was passed as the petitioner did not disclose the status of such construction on that date when the order was passed, we are unable to hold that there has been a deliberate violation of the order.

However, this order shall not affect the merits of the application.

The contempt application stands dismissed. Rule is discharged.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)