

10th February,
2022
(AK)
37-38

**CPAN 745 of 2021
With
WPA 4856 of 2020**

(Via Video Conference)

Ajuda Bibi @ Ajuda Molla
Vs.
Samaresh Ghosh

Mr. Tanmoy Basu
Md. Aasif Iqbal

...for the petitioner.

Mr. Subhabrata Dutta
Mr. Sanatan Panja

...for the alleged contemnor.

Despite this being the last chance for filing supplementary affidavit by the petitioner, an adjournment is sought on the ground of the petitioner.

However, in view of the previous direction dated January 27, 2022 for filing supplementary affidavit and keeping in view that the petitioner was also unrepresented on January 20, 2022, the matter is taken up for hearing, more so because a contempt application is between the court and the contemnor primarily.

Learned counsel appearing for the alleged contemnor submits that it is apparent from the copy of the supplementary affidavit which has been served on the alleged contemnor, but not yet filed in court, that only a purported deed has been annexed thereto.

It is submitted by learned counsel for the alleged contemnor that no *prima facie* evidence of any intimation or complaint by the petitioner to the police authorities appears from the supplementary affidavit as well.

Be that as it may, since no supplementary affidavit is filed by the petitioner even today despite the matter being fixed as a last chance, the contempt application is taken up for hearing without such supplementary affidavit.

It does not appear from the contempt application that the direction of this court was violated in any manner whatsoever or that the petitioner ever approached the police authorities with any complaint regarding disturbance of the petitioner's possession in respect of the disputed property. Thus, no question of disobedience of the direction of this court to grant police help arose at all.

Hence, nothing remains in the contempt application and the same fails.

CPAN 745 of 2021 is dismissed without any order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)