

23.09.2022
Item Nos.18 & 19
Court No.32
Avijit Mitra

**WPCRC 45 of 2021
in
WPA 8407 of 2018**

**Karimul Islam
- Versus -
Jamaluddin Mullick**

Md. Yusuf Ali
...for the Petitioner
Md. Younush Mondal
...for the contemnor

The present contempt application has been preferred alleging violation of the order dated 27th March, 2019 passed by this Court in W.P. No.8407 (W) of 2018. By the said order, this Court directed the contemnor to consider the representations dated 3rd April, 2018 and 26th April, 2018 submitted by the petitioner, upon granting an opportunity of hearing to the petitioner and the private respondent nos. 6 to 10 and to take a decision, in accordance with law and to communicate the same to the parties.

Mr. Ali, learned advocate appearing for the petitioner submits that pursuant to the order dated 27th March, 2019 no decision has yet been communicated to the petitioner and as such the said contemnor has deliberately violated the order passed by this Court.

Mr. Mondal, learned advocate appearing for the contemnor submits that upon conducting an enquiry a decision was taken by the contemnor. The said decision was sent to the petitioner, however, he refused to accept the same. A copy of the decision has been handed over to Mr. Ali in Court today.

It is well-settled that once an order has been passed by a party to a proceeding on the basis of the direction issued by the Court, there arises a fresh cause of action to seek redressal in an appropriate forum.

The Court in exercise of contempt jurisdiction cannot test the correctness of the order passed or give additional direction. The materials on record do not disclose that there had been any deliberate violation of the order passed by this Court.

This Court is thus not inclined to proceed with the contempt application any further and the same is, accordingly, disposed of. Rule, if any, stands discharged.

However, it will be open to the petitioner to assail the correctness of the order passed by the contemnor before the appropriate forum.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Tapabrata Chakraborty, J.)

