

10.02.2022
Item No.39
Court No.18
AJ.

C.P.A.N. 968 of 2021
(Via Video Conference)

Sri Sanjay Arya
-Vs-
Mr. Pradeep Mehta

Mr. Aniruddha Chatterjee,
Mr. Debabrata Roy.
...for the applicants.

Mr. Kamal Pathak,
Mr. Debasih De,
Ms. Debanjana De.
....for the alleged contemnor.

This is an application under Section 10 of the
Contempt of Courts Act, 1971.

The petitioner is alleging violation of the
Orders dated September 23, 2019, October 08,
2021 and December 02, 2021 passed by the 2nd
Court of Additional Civil Judge(Junior Division),
Alipore, District- 24 Parganas (South) in Title Suit
No. 1381 of 2019.

Mr. Kamal Pathak, learned advocate for the
alleged contemnor/opposite party no.1 submits
that there is no violation of the aforesaid orders as
alleged by the petitioners, in fact the said orders
have been complied with.

He specifically questioned the maintainability
of the present application.

Mr. Aniruddha Chatterjee, learned advocate
for the petitioner submits that the said orders have

not been entirely complied with, however, the petitioners instead of pursuing the present application, intend to resort to the provision of Order XXXIX Rule 2A of the Code for their relief.

In view of such stand of the petitioners C.P.A.N. 968 of 2021 is dismissed as not pressed.

It is however made clear that this order will not prevent the petitioners to take appropriate steps in accordance with law in the suit for the relief as prayed for in the present application.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)