

D/L
Item No. 9
16.11.2022
KOLE

**CPAN 1171 of 2019
In
FA 153 of 2019
with
IA No. CAN 1 of 2016 (Old No. CAN 6833 of 2016)
with
IA No. CAN 2 of 2018 (Old No. CAN 6067 of 2018)
with
IA No. CAN 3 of 2019 (Old No. CAN 2025 of 2019)
with
IA No. CAN 4 of 2016 (Old No. CAN 2245 of 2019)
with
IA No. CAN 5 of 2019 (Old No. CAN 3401 of 2019)
with
IA No. CAN 6 of 2019 (Old No. CAN 3402 of 2019)**

**Sandhyarani Mondal @ Sandhya Mondal & Ors.
-Vs.-
Dhananjoy Ghosh & Anr.**

*Mr. Monisankar Chattopadhyay,
Mr. S. Naskar,*

...for the petitioners.

*Mr. Bidhyak Lahiri,
Mr. B. Lahiri,*

...for the alleged contemnor.

Read order dated September 26, 2022.

Violation of the order dated October 5, 2016 passed in
FAT 131 of 2016, is alleged in this contempt application. The
relevant portion of the order reads as follows:

*“Parties are restrained from transferring and/or
selling and/or alienating and/or creating any third party
interest in respect of any of the properties belonging to the
estate of Haradhan Ghosh covered by the Will published on
19th April, 1996 till the disposal of this application.”*

The petitioners say that the alleged contemnors have
sold off properties belonging to the estate of late Haradhan
Ghosh with full knowledge of the aforesaid restraint order.

The alleged contemnors were not made parties in the appeal nor are they parties even now. Hence, the order of the Coordinate Bench mentioned above would not bind them. Therefore, the question of violation of such order would not arise.

The contempt application is accordingly disposed of.

Learned Advocate for the petitioners say that the petitioners should be granted liberty to take appropriate steps against the alleged contemnors herein for having sold properties belong to the estate of the deceased during subsistence of the *interim* order, before the appropriate forum. No such liberty is required. If the petitioners are entitled in law, they can always initiate such proceedings.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)