

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.776 of 2010

Bijay Kumar Bhanja

....

Petitioner

Mr.D.R.Mohapatra, Advocate

-versus-

Dinabandhu Sahoo

....

Opp.Party

None

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K.PATTANAİK

ORDER

20.04.2022

Order No.

15.

1. The contempt petition has been pending for over 12 years now. It was dismissed for non-prosecution on 20th June, 2018 and then restored. The actual Contemnor is Opposite Party No.1. Admittedly, the said person is absconding for several years now.

2. The allegation is despite a conditional stay order passed by this Court that on Petitioner depositing a sum of Rs.57,927/- the vehicle in question which was attached by the Opposite party would not be sold, it was in fact sold. According to the Petitioner, the Opposite Party No. 1 refused to receive the demand draft for Rs.57,927/-.

3. While a reply has been filed by the Opposite Party No.2 none has been filed by Opposite Party No.1 who is the main Contemnor. Therefore, it is not possible at this stage of the proceedings, 12 years after the contempt petition was filed, to even ascertain whether the above assertion of the Petitioner is true.

4. An I.A. No. 50 of 2022 has been filed stating that during the pendency of the present petition the Company i.e. M/s. Shriram Transport Finance Company Ltd. has issued a demand notice on 29th June, 2021 requiring the Petitioner pay Rs. 65,17,785.01/-.

5. The Court is no position to adjudicate whether the above demand notice is justified as in any event it constitutes a separate cause of action. Mr. Mohapatra states that the Company has in fact gone in for Arbitration.

6. Leaving it open to the Petitioner to urge all the contentions raised here in the said arbitration proceeding in accordance with law, the Court closes this contempt petition as no purpose would be served in going after Contemnor No.1 at this stage with his being absconding for several years.

7. The contempt petition is accordingly closed in the above terms.

8. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge