

09.06.2023

Item No.9

Ct. No.1

PG/KS

C.P.A.N. 591 of 2023

Sri Anupava Chanda

Vs.

Smt. Aparna Chanda nee Mitra & Ors.

Mr. Kallol Basu

Mrs. Sonini Chakraborty

Ms. Prajaaini Das

.....For the applicant

1. This contempt application has been filed alleging willful disobedience of the orders dated 21st September, 2022, 28th December, 2022, 12th December, 2022 and 21st December, 2022 passed by the learned Additional District Judge, 13th Court at Alipore.
2. It is not in dispute that the orders passed by the learned trial court are subject matter of challenge before this Court in a revision application and it is stated that there is no order of stay granted in the revision application. Though there was a direction passed in the said civil revision application to appoint a mediator to examine as to whether the settlement can be arrived at, the learned advocate for the applicant submits that mediation has failed.
3. Since it is submitted that there is no stay of the proceedings before the learned trial court,

nothing prevents the learned trial court from taking up any of the applications, which may be presented by the applicant before the learned trial court.

4. Therefore, we dispose of this contempt application by granting liberty to the applicant to file appropriate application before the learned trial court and in the event there is no stay granted by the revision court at the instance of the respondents, then it is well open to the learned trial court to take up the application for consideration and proceed in accordance with law.
5. No order as to costs.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)