

10.03.2023
SL No.1
Court No.8

**CRC 6 of 2023
(CPAN 679 of 2022)
In
FMA 803 of 2022**

**Jnanbhusan Saha & Anr.
Vs.
Muslam Sekh & Ors.**

Ms. Sima Ghosh,
...for the applicants.

Mr. Tapan Kr. Mukherjee, Sr. Adv.,
Mr. Pinaki Dhole,
...for the alleged contemnors.

Mr. Mukherjee, learned Senior Advocate appearing for the alleged contemnors submits that the alleged contemnors are personally present in Court. However, there has been no violation of the order passed by this Bench on 10th May, 2022. Our attention is drawn to the portion of the order where we restrained the respondents from dealing with the properties. The relevant portion of the said order is set out hereinbelow:-

“However, for the time being, there shall be an interim order restraining the respondents from dealing with, alienating and/or encumbering the suit property for a period of eight weeks or until further order, whichever is earlier.”

Mr. Mukherjee further submits that there is no order restraining the alleged contemnors from making any construction. It is submitted that the photographs annexed to the contempt application would not show that the alleged contemnors have violated the aforesaid order.

Ms. Sima Ghosh, learned Advocate representing the applicants has submitted that making construction on the suit property would be a violation of the interim order passed by us as it amounts to alienation. We are unable to accept the said submission. The alienation would mean transfer of interest in the property. Admittedly the applicants are unable to demonstrate that the alleged contemnors have dealt with, alienate and/or encumber the suit property.

Under such circumstances, the contempt application being CRC 6 of 2023 (CPAN 679 of 2022) stands dismissed.

Rule stands discharged.

(Sugato Majumdar, J.)

(Soumen Sen, J.)