



Cont.A.No.11 of 2022

Contempt Appeal No.11 of 2022
and
C.M.P.No.20331 of 2022

P.N.PRAKASH.J.,
AND
N.ANAND VENKATESH.J.,

[Order of the Court was made by P.N.PRAKASH.J.,]

On 23.12.2022, we passed the following order:-

“Mr.P.S.Raman, learned senior counsel appearing on behalf of Mr.Ramanlal, learned Additional Advocate General on record for the appellant sought some more time to file a memo in order to convert the present Contempt Appeal as Letters Patent Appeal in the light of the law laid down by Honourable Supreme Court in Midnapore Peoples' Coop Bank Limited v. Chunilal Nanda [(2006) 5 SCC 399].

Post on 03.01.2023. The order of interim stay granted by this Court on 25.11.2022 in C.M.P.No.20331 of 2022 in Cont.A.No.11 of 2022 shall continue until further orders.”

2. Pursuant to the above, a memo has been filed by the learned counsel for the appellant, which reads as under:-

“1. The Appellant herein has filed Contempt Appeal No.11 of 2022 aggrieved by the order dated 02.09.2022 passed in Sub Application No.98 of 2019 in Contempt No.830 of 2014 in W.P.No.34530 of 2012. Originally, the Appellant had filed the above Appeal in Contempt Appeal SR No.124436 of 2022 under Clause 15 of the Letters



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Patent, 1865 of this Hon'ble Court. The Appellant has specifically pleaded in this regard at Para 10 of the Affidavit filed in support of the above Contempt Appeal.

2. However, the Registry of this Hon'ble Court had returned the Appeal papers inter alia on the issue of the maintainability of the said Appeal under Clause 15 of Letters Patent. The Appellant placing reliance upon decision rendered by this Hon'ble Court as well as by the Hon'ble Supreme Court in *Midnapore People's Coop Bank Limited v. Chunilal Nanda* [(2006) 5 SCC 399] had tried to impress the registry in this regard. However, due to urgency involved in the matter, the Appellant was constrained to file the above Appeal under 19 of The Contempt of Courts Act, 1971 as insisted by the Registry.

3. The Hon'ble Court upon hearing the Appeal has now held that the above appeal ought to been filed only under Clause 15 of the Letters Patent, 1865 of this Hon'ble Court. In the above circumstances, the Appellant hereby humbly seeks leave of this Hon'ble Court to convert the present Contempt Appeal in to a Letter Patent Appeal. No



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prejudice would be caused to the respondents herein merely by changing the nomenclature of the above Appeal as prayed for.

Therefore, the appellant most humbly and respectfully prays this Hon'ble Court to be graciously pleased to grant leave to convert Contempt Appeal No.11 of 2022 in to Letters Patent Appeal and consequently, direct the registry to assign an appropriate number to the case and pass such or other orders and thus render justice.”

3. We are satisfied with the reasons assigned in the memo and we are therefore, inclined to convert this Contempt Appeal as Letters Patent Appeal under Clause 15 of the Letters Patent. This Contempt Appeal is converted accordingly as Letters Patent Appeal. The Registry is directed to act upon this order and renumber this Contempt Appeal as an Appeal under clause 15 of the Letters Patent and post the same before the Division Bench which deals with the subject as per the roster.

[P.N.P., J] [N.A.V.,J.]
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P.N.PRAKASH.J.
AND
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