

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CONTEMPT APPEAL No.17 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. Mohd. Naseeruddin, learned counsel for the appellant.

2. On 14.11.2022 we had passed the following order:

This appeal has been preferred under Section 19 of the Contempt of Courts Act, 1971, against the order dated 10.10.2022 passed by the learned Single Judge in Contempt Case No.912 of 2019.

By the aforesaid order, appellant, who was respondent No.2 in the contempt case, was found guilty of committing contempt of order dated 22.06.2012 passed in A.S.M.P.No.1200 of 2012 in A.S.No.372 of 2012 as confirmed and continued vide order dated 06.03.2014 and sentenced to undergo civil imprisonment for three months.

Let the appeal be admitted.

Appellant to serve the respondents through the Court process as well as through personal service and thereafter file proof of service.

In the meanwhile, there shall be suspension of the order dated 10.10.2022 passed by the learned Single Judge in Contempt Case No.912 of 2019.

List on 16.02.2023.

3. Learned counsel for the appellant submits that appellant was found guilty of committing contempt of order dated 22.06.2012 passed in A.S.M.P.No.1200 of 2012 in A.S.No.372 of 2012. He submits that A.S.No.372 of 2012 was dismissed on 12.12.2022 by confirming the judgment and decree dated 09.04.2012 passed by the trial Court in O.S.No.250 of 2007.

4. That being the position, we set aside the order dated 10.10.2022 passed by the learned Single Judge in C.C.No.912 of 2019.

5. Accordingly, contempt appeal is allowed.

Miscellaneous applications pending, if any, shall stand closed.

UJJAL BHUYAN, CJ

N. TUKARAMJI, J

16.02.2023
vs