

29th November,
2024
(AK)
02

W.P.C.R.C 139 of 2024
In
WPA 283 of 2024

Pitambar Sarkar
Vs.
Mr. Faruk Sk. and another

Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
...for the petitioner.

Ms. Susmita Chatterjee
...for the alleged contemnor no.1.

Mr. Nilotpal Chatterjee
Ms. Munmun Ganguly
...for the alleged contemnor no.2.

1. At the time of call, both the alleged contemnors are personally present in court.
2. Learned counsel appearing for the alleged contemnor no.2 tenders unqualified apology for the said alleged contemnor being late in complying with the order.
3. However, it is submitted that in the meantime the order of this court has been complied with.
4. It is further submitted that since the file was misplaced in the office of the alleged contemnor no.2, the order could not be carried out within the time as stipulated in the parent order.

5. Insofar as the alleged contemnor no.1 is concerned, it is submitted, by placing reliance on the affidavit-in-opposition filed by the said alleged contemnor, that insofar as the part of the alleged contemnor no.1 is concerned, the same was complied with in terms of the parent order.
6. Learned counsel for the petitioner submits that the order of this court has been complied with in the meantime.
7. Upon a careful consideration of the stands taken by the alleged contemnors and perusing the affidavit-in-opposition of the alleged contemnor no.1 and the report filed on behalf of the alleged contemnor no.2 in court today, the court is satisfied that there was no palpably deliberate contumacious action on the part of the alleged contemnors and the delay in compliance of the order was due to sufficient reasons.
8. That apart, since the order of the court has ultimately been complied with, which is agreed to by the petitioner, no further purpose would be served in keeping the contempt application as well as the Rule pending.
9. Hence, WPCRC 139 of 2024 stands discharged.
10. Further personal appearance of the alleged contemnors stands dispensed with.

11. CPAN 1142 of 2024 is also treated to be disposed of accordingly.
12. There will be no order as to costs.
13. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)