

**WPCRC 120 of 2024
Arising out of
W.P.A. 5211 of 2022**

**Azma Khatun @ Azmira Bibi & Ors.
versus
Samiran Dutta & Ors.**

Mr. Partha Ghosh
Mr. Amal Kumar Dutta
Ms. Simran Sureka
Mr. Debashis Das

...For the applicants/petitioners

Mr. Debnath Ghosh
Ms. Priti Banerjee

...For the alleged contemnors

WPCRC 120 of 2024

1. The contemnor no. 2 is personally present in Court today in response to the rule of contempt issued on 26th July 2024. Although, on two previous occasions, i.e. on 23rd August 2024 and 30th August 2024 the contemnor no. 2 did not appear, today an affidavit has been filed, in an attempt to explain the reason for her non appearance on the previous two dates. I shall deal with the same later.

2. Insofar as the contemnor no. 1 is concerned, an affidavit of compliance has been filed by him which has been affirmed before the Notary Public at Dhanbad. In paragraph 19 of such affidavit, it has been categorically stated that by reason of his medical condition, complications and comorbidity, he has affirmed the said affidavit before the Notary Public at Dhanbad. It would appear from the order dated 23rd August 2024, considering his medical condition, this Court had dispensed the personal appearance of contemnor no. 1. Having regard to the explanation

given in the affidavit affirmed by Samiran Dutta being the contemnor no. 1 on 2nd September, 2024 before the Notary Public at Dhanbad, the same is retained with the record.

3. Mr. Ghosh, learned advocate appearing on behalf of the contemnors submits that although there was some delay in compliance of the order passed by this Court, the order dated 12th September 2023 passed in WPA 5211 of 2022 and WPA 13759 of 2023 has since been complied with. He submits that the applicants/petitioners have been disbursed their rightful dues. Mr. Ghosh, learned advocate appearing for the applicants/petitioners confirms such fact.

4. Coming back to the affidavit of undertaking filed on behalf of the contemnor no. 2 in Court today and the affidavit of compliance filed on behalf of the contemnor no. 2 on 30th August 2024, it would transpire that the order dated 12th September 2023, though belatedly has been complied with as noted hereinabove.

5. From a perusal of the affidavit of undertaking filed in Court today, I find that though the explanation given by the contemnor no. 2 for having failed to appear personally before this Court in response to the rule of contempt on the previous two dates to be unsatisfactory, however, taking note of the undertaking given by her in paragraph 19 of the

affidavit of compliance and paragraph 9 of the affidavit of undertaking that she would obey all orders and directions passed by this Court and would be personally present before this Court and taking note of the fact that the order dated 12th September 2023 has already been complied with, I accept the apology of the contemnor no. 2.

6. Having regard to the aforesaid, I am of the view that no useful purpose will be served by keeping this contempt application pending. The contempt proceeding is dropped and the instant contempt application being CPAN 266 of 2024 is accordingly ***disposed of*** and the rule is discharged.

(Raja Basu Chowdhury, J.)