

58 16.04.2024
AN Ct. No. 01
RP

CPAN 278 of 2024

Connected with
T.S. No. 397 of 2019

Subrata Chatterjee & ors.

Vs.

Binoy Singha Roy & anr.

1. This contempt application has been filed alleging willful disobedience of the order and direction passed by the learned Civil Judge, Senior Division, Chandannagar, Hooghly in T.S. No. 397 of 2019. In paragraph 8 of the said petition, the petitioners have stated that on or about 16.12.2021, they filed an application before the learned trial court for violation of order passed by the Court under Order XXXIX Rule 2A read with Section 141 of the Civil Procedure Code which is still pending and no effective orders have been passed. Since the Misc. Case is still pending before the concerned Court, we are of the view that at this juncture it would not be appropriate to take up this application and it would suffice to direct the learned trial court to take up the application, issue notices and hear the parties and pass final orders.

2. Accordingly, this contempt application is **disposed of** by directing the learned court below to take up the Misc. Case filed by the applicant being Misc. Case No. 13 of 2021 arising out of T.S. No. 397 of 2021 within a period of four weeks from the date of receipt of the server copy of this order unless there has been any order of stay passed by any superior Court. All points of fact and law are kept open.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)

