

ML 4
09.02.2024
Ct. No. 15
adeb

WPCRC 258 of 2013
In
W.P.A. 13633 of 2011
IA No. CAN 1/2012 (Old No. CAN 890/2012)

Malabika Mondal
Vs.
Tapas Kumar Biswas & Anr.

Mr. A.K. Gayen
Mr. A.A. Gayen
...for the applicant

Mr. Supriyo Chattopadhyay
Mr. Suman Dey
...for the contemnor

Applicant alleges violation of the order dated 18th October, 2012 passed by a coordinate Bench. According to the learned advocate representing the applicant the alleged contemnor could not pass the order strictly in terms of the direction as contained in order dated 18th October, 2012 within the specified time.

On perusal of the contempt application it appears that the alleged contemnor has passed an order contained in memo dated 14th February, 2013.

It has also been submitted on behalf of the alleged contemnor that subsequently another order was passed by the alleged contemnor on 13th November, 2013 and there is no difference so far the contents of those decisions are concerned.

It appears by taking into consideration two consecutive decisions one dated 14th February, 2013 and another dated 13th November, 2013 the alleged contemnor has refused to approve the panel in question.

It further appears that the applicant is aggrieved by such decision taken by the alleged contemnor.

Having considered the aforesaid situation it cannot be held that there is willful deliberate contempt on the part of the alleged contemnor since aforesaid decisions have been taken in terms of the order dated 18th October, 2012 passed by the coordinate Bench.

Accordingly, the contempt application is disposed of and contempt proceeding stands dropped.

However, this order shall not preclude the applicant to take steps in accordance with law against the order passed by the alleged contemnor dated 14th February, 2013 and 13th November, 2013.

Application, if pending, also stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)