

8th November,
2024
(AK)
09

WPCRC 79 of 2024
in
WPA 22596 of 2023

M/s. Rajnandini, Rep. by Shah Alam Khan and another
Vs.
Mr. Ravi Anand, the AO(IC) Oriental Ins. Co. Ltd.,
Midnapore

Mr. Kamalesh Jha
Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
Ms. Arpita Dhar

...for the petitioner.

1. None appears at the time of call on behalf of the alleged contemnor.
2. The Learned Advocate appearing for the petitioners hands over a copy of a purported decision of the alleged contemnor dated September 13, 2024 wherefrom it is seen that the claim of the petitioners have been refused by the alleged contemnor on certain grounds.
3. Learned counsel for the petitioners contends that the said order is a mere eye-wash.
4. It is submitted that despite several documents and materials having been furnished and being available with the alleged contemnor, those were not considered at all in turning down the prayer of

the petitioners on the flimsy pretext that no new evidence or further documents were furnished.

5. A perusal of the said order dated September 13, 2024 indicates that the alleged contemnor has decided against the petitioners on the observation that the assessment made by the surveyor was after considering documents and particulars furnished by the representative of M/s. Rajnandini and that no new evidence or further documents were furnished, for which the surveyor's report was relied on by the alleged contemnor.
6. Whatever may be the legal or factual worth of the said decision, fact remains that pursuant to the order of this court, a personal hearing has now been given and a decision taken by the alleged contemnor on the issues involved in the writ petition.
7. Hence, if the petitioners are further aggrieved by the order dated September 13, 2024, it will be open to the petitioners to challenge the same in a properly constituted challenge by way of a fresh writ petition.
8. It is beyond the scope of the contempt court to adjudicate the merits of the matter and/or come to any elaborate findings on the legal worth of the

adjudication dated September 13, 2024, which furnishes a fresh cause of action for the petitioners.

9. In such view of the matter, this court is of the opinion that no useful purpose would be served in keeping the Rule or the contempt application pending.
10. Accordingly, WPCRC 79 of 2024 is discharged and CPAN 625 of 2024 is disposed of by granting liberty to the petitioners to challenge the decision of the alleged contemnor dated September 13, 2024 in a properly constituted challenge if the petitioners are aggrieved by the same.
11. There will be no order as to costs.
12. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)