

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
APPELLATE SIDE

CPAN 858 of 2024
in
CO 706 of 2023

Bireswar Bera
Vs.
Priyabrata Datta

Mr. Golam Mostafa
Mr. Tarasankar Samanta
... For the applicant/petitioner

1. This contempt application has been filed for non-compliance of order dated 15th May, 2023 passed by this Court in connection with CO 706 of 2023, directing the District Judge, Purba Medinipur, to dispose of the application dated 5th July, 2022 on 27th June, 2023.

2 Learned counsel appearing on behalf of the applicant/petitioner has submitted that by the application dated 5th July, 2022, a prayer was made for early disposal of the application for restoration of appeal which was dismissed for default on 26th May, 2011.

3. Considering the submission advanced on behalf of the learned counsel for the applicant/petitioner, I find that the application dated 5th July, 2022 was filed with a prayer for early disposal of the application for restoration of appeal. I also find that the learned District Judge cannot pass any order directing himself to dispose of an

application within any specified time. Moreover, this Court passed an order not directing the learned District Judge to dispose of the application, rather this Court **expected** for disposal of the application dated 5th July, 2022 on 27th June, 2023 already fixed.

4. In the aforesaid view of the matter, this contempt application is not at all maintainable in its present form and prayer.

5. The contempt application stands dismissed.

6. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)