

14.11.2024

sayandeep

Sl. No. 07

Ct. No. 08

CPAN 1198 of 2022

With

CAN 1 of 2024

Sudarshan Kamila & ors.

Vs.

Somenath Halдар

Mr. Balaram Pandit

Mr. Krishna deo Das

... for the applicants/petitioners

Mr. T.M. Siddiqui

Mr. Mrinal Kanti Ghosh

..... for the alleged contemnor

In Re: CAN 1 of 2024

This is an application seeking addition in a contempt proceeding raising an independent and rival rights against the successful party. The main petition was disposed of directing the authorities to do a thing in a particular manner. The contempt application is taken out alleging that despite the communication of the said order, the alleged contemnors had not complied the order of the Court. The scope under the contempt jurisdiction is limited and confined to the fact whether the alleged contemnors have willfully and/or deliberately violated the order passed by the Court. The contempt jurisdiction cannot be extended to re-open the main issue nor would divert the issue which is contentious. It would invite a chaotic situation in the event a person files an application seeking addition in a contempt proceeding as respondent and asserts its independent right. The person seeking addition must

satisfy the Court that he is a proper and/or necessary party to the proceedings.

While determining the said application on the above score, the Court must also bear in mind the nature of the dispute involved in such proceedings. The moment, the Court finds that the jurisdiction exercised by the Court is limited, by addition the issue should not be enlarged or it would be a mere ideal exercise to implead a person having conscious that the right so asserted cannot be decided in the said proceeding.

We, thus, do not find that the application for addition of party deserves any favourable result.

Accordingly, the application is dismissed.

In Re: CPAN 1198 of 2022

Let the report filed by the alleged contemnor be taken on record.

After perusal of the report, we find that because of the pendency of the preceding application which has already been rejected herein before, the final exercise could not be completed.

In view of the dismissal of the said application, the alleged contemnor is directed to complete the exercise within seven days from date.

CPAN 1198 of 2022 is hereby dismissed.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)