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12.04.2024
Ct. No. 15
adeb

CPAN 1659 of 2023
In
W.P.A. 22668 of 2022

Tashima Begam & Anr.
Vs.
Mr. Ajay Kumar Choudhury & Ors.

Mr. Ujjal Ray
Mr. Atreya Chakraborty
Ms. Arpa Chakraborty

.... For the Applicants

Mr. Soumya Mazumder
Mr. Puspall Chakraborty
Mr. Debabrata Das
Mr. Saptarshi Mukherjee

..for the alleged contemnor nos. 2 & 3

The applicants allege violation of the order dated 28th February, 2023. The contempt application is heard in presence of the learned advocates representing the applicants and alleged contemnors. The learned advocate representing the alleged contemnors submits that the order passed by the coordinate Bench on 28th February, 2023 has been complied with vide order dated 25th/26th May, 2023.

It has been submitted by Mr. Ujjal Ray, learned advocate representing the applicants that since there is a direction by the coordinate Bench that the order needs to be passed by the alleged contemnors strictly in compliance with the observations made in the order dated 28th February, 2023, the reasoned order dated 25th

/26th May, 2023 constitutes contempt so far alleged contemnors are concerned.

Since the reasoned order has been passed by the alleged contemnors on 25th/26th May, 2023 it appears that the order passed by the coordinate Bench dated 28th February, 2023 stands complied with. Though the coordinate Bench directed that the application of the petitioners shall be considered strictly in terms of the observations made in the order by passing reasoned decision.

Once the decision has been taken by the alleged contemnors in terms of the said order dated 28th February, 2023 the conclusion cannot be arrived at that there has been willful deliberate violation by those alleged contemnors since observations made in the order has not been taken into consideration as alleged. Rightly or wrongly an order has been passed by the authority which may give rise to fresh cause of action. In this regard reliance is placed on the judgment of the Apex Court reported in **(1996) 6 SCC 291 (J.S. Parihar Vs. Ganpat Duggar & Ors.)** paragraph 6.

Accordingly, the contempt application stands dismissed.

However, this order shall not preclude the applicants to take steps in accordance with law against the order dated 25th /26th May, 2023.

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

(Saugata Bhattacharyya, J.)