

22nd March,
2024
(AK)
05

C.P.A.N 8 of 2023
IA No: CAN 1 of 2023 (not in file)
In
CO 4332 of 2018

Moni Manjusha Nandy
Vs.
Chandra Su, Learned Judge, 5th Bench, Presidency Small
Causes Court at Calcutta

Mr. Radha Nath Nandy
...for the petitioner in person.

1. The petitioner, appearing in person, has preferred the contempt application against a learned Judge of the trial court.
2. However, a perusal of the entire contempt application and the prayer does not disclose any contumacious act on the part of the alleged contemnor.
3. In fact, the order dated January 10, 2019, which is alleged to be violated, was passed in CO 4332 of 2018 where the petitioner's prayer for interfering with an order of the learned Trial Judge was not granted.
4. It was recorded in the said order that the impugned order does not decide any right or interest of any of the parties and thus is not amenable to revision. However, it was kept open for the petitioner to take

the recourse of law in the event the opposite parties in the revision had flouted the time-limit contemplated in Sections 7(1) and/or 7(2) of the Act of 1997, in the court below.

5. In the contempt application, certain legal arguments have been sought to be made by the petitioner. However, no act of contempt whatsoever is found from the allegations.
6. It may be noted here that such reckless filing of contempt applications, particularly against a judicial officer in discharge of his judicial duty, without any iota of any contumacious act or omission on the part of the said Judge being disclosed, is thoroughly deprecated.
7. The petitioner, upon the court expressing its mind, seeks to withdraw the contempt application which is appreciated in a sense.
8. However, for the act of filing a frivolous contempt application, which itself could be construed to be a contumacious act, the petitioner should pay costs to the alleged contemnor.
9. Accordingly, CPAN 8 of 2023 is dismissed as withdrawn on the prayer of the petitioner.
10. The petitioner shall pay costs to the alleged contemnor to the tune of Rs.10,000/- within a

fortnight from date for the frivolous filing of the contempt application.

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.)