

D/L. 19.
February 23, 2024.
MNS.

CPAN 1709 of 2023
in
WPA No. 4710 of 2023

Purushottam Kumar Bajaj
Vs.
Mr. V. Vaidyanathan and others

Mr. Purnasish Gupta,
Mr. Jayanta Kumar Mukhopadhyay,
Ms. Sruti Dey

... for the petitioner.

Mrs. Reshmmi Ghosh,
Mr. Amar Singh,
Mr. Ranjit Singh,
Ms. Tutul Das (Singh),
Ms. Pragya Barua

...for the alleged contemnors.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner submits that although the alleged contemnors sought to return the title deeds of the petitioner, the map annexed to a particular deed, which was a part of the said deed, is not being returned by the alleged contemnors.
1. Learned counsel appearing the alleged contemnors places reliance on the averments in the contempt application itself and the relevant documents of mortgage, which indicate that certain original title deeds were

inter alia deposited with the bank by the petitioner. There is no mention in any of the concerned documents as to whether any map was or was not a part of such title deeds.

2. Since the alleged contemnors are willing to return the title deeds to the petitioner and the petitioner has raised a new question as to whether a map was a part of one of the deeds or not, the same cannot be decided within the limited conspectus of the present contempt application.
3. The direction of this court was for one of the alleged contemnors to consider the representation of the petitioner and to return the title deeds of the petitioner, subject to payment of all dues of the bank by the petitioner.
4. The alleged contemnors are of the opinion that all dues have been cleared by the petitioner and take a specific stand that whatever title deeds are lying with the bank shall be returned to the petitioner but the map as alleged by the petitioner was not a part of the said deeds.
5. Since such stand is being taken by the alleged contemnors, the petitioner will be at liberty to take appropriate steps against the alleged contemnors, furnishing proper proof

as to whether any map was a part of one of the deeds lying with the alleged contemnors.

6. However, as the alleged contemnors are ready and willing to return the title deeds of the petitioner and there is no occasion of deliberate or willful violation of the order of this Court, CPAN 1709 of 2023 is dismissed accordingly.
7. If the petitioner has any grievance regarding all documents or any part of a document not being returned to the petitioner, the petitioner would be at liberty to approach the appropriate forum.
8. There will be no order as to costs.
3. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)