

OD-3

CC/70/2024
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION [CONTEMPT]
ORIGINAL SIDE

KARTICK DHAR AND ANR.
VS
SRI RAJ KISHORE SAHOO

Before:

The Hon'ble Justice SABYASACHI BHATTACHARYYA

Date: 29th November 2024

Appearance:
Mr. Pijush Kanti Ray, Adv.
Mr. Sourajit Mukherjee, Adv.
...for petitioner.

Ms. Parna Roy Chowdhury, Adv.
...for alleged contemnor

Mr. Nimish Mishra, Adv.
Mr. Gaurav Singh, Adv.
Mr. Ankit Chatterjee, Adv.
..for intervener.

The Court: Learned Counsel for the petitioner submits in unison with learned Counsel for the alleged contemnor that the order of this Court has since been complied with. A written instruction in that regard is filed by learned Counsel for the petitioner which is kept on record.

At this juncture, learned Counsel having instruction to appear/ intervene for the alleged borrower/mortgager/owner of the disputed property contends that the said party be permitted to intervene in the matter since it is argued that relevant facts, including that the borrower has preferred a challenge before the Debts Recovery Tribunal, were not disclosed to the Court, though germane to the adjudication in the writ petition.

Upon hearing learned Counsel, this court is of the opinion that since the alleged contemnor has complied with the order of this court, although belatedly, the contempt has been purged to that extent.

However, in the event the party seeking to intervene has a grievance against the parent order, on whatever ground, it would always be open to the said party to prefer an appropriate challenge, either by way of an appeal against the parent order dated January 3, 2024 passed in WPO 1803 of 2023 or by review or otherwise. Nothing in this order shall prevent such rights of the alleged borrower. It is further clarified that none of the observations made above shall be an impediment to the alleged borrower to canvas all the points which it has in the pending challenge before the Debts Recovery Tribunal. The printout of a communication indicating the compliance of the order, handed over by learned Counsel for the alleged contemnor in Court, be also kept on record.

CC/70/2024 is accordingly disposed of.

(SABYASACHI BHATTACHARYYA, J.)