

January 31, 2025
Sl. No.16
Court No.36
s.biswas

CPAN 400 of 2024
In
CO 1132 of 2022

Sukumar Giri
vs.
Pritam Giri

Mr. Dyutiman Banerjee

... for the applicant

Mr. Sounak Mandal

... for the alleged contemnor

This court does not find any contumacious act. The remedy of the petitioner was to file an execution in accordance with Maintenance of Welfare of Parents and Senior Citizens Act, 2007. The petitioner contends that he is not being allowed to enter his house.

This allegation is objected to by the alleged contemnor. This court had directed the petitioner and the mother of alleged contemnor i.e. his wife, to reside in the first floor. The petitioner shall have access to the first floor along with his first wife and he may enter the premises at any time with notice to the police authorities. However, the second wife cannot enter the premises as already directed.

The alleged contemnor submits that he is continuing to pay Rs.10,000/- per month jointly to his father and the mother.

The contempt application is bereft of any evidence which would indicate that the petitioner had made demands for any medical help which the

alleged contemnor refused. Thus, the submission from the Bar cannot be accepted. This is a contempt proceeding, where the violation has to be proved beyond reasonable doubt. It is akin to a quasi criminal proceeding.

Under such circumstances, the contempt application is disposed of without any orders, except as clarified hereinabove. Contempt proceedings are dropped.

(Shampa Sarkar, J.)