

03.4. 2025
item No.181
n.b.
ct. no. 24

CPAN 1239 of 2017
in
CO 2439 of 2016

Sri Samir Ghosh
Vs.
Sri Sukumar Ghosh & Anr.

Mr. Anirban Ghosh,
.....For the Petitioner

The instant contempt application was filed for wilful violation of the order of this Court dated March 28, 2017 passed in connection with C.O. No.2439 of 2016.

Learned counsel appearing on behalf of the petitioner submits that the petitioner approached this Court under article 227 of the Constitution of India against an order dated May 5, 2016 passed by the learned Additional District Judge, First Court, Serampore, Hooghly in connection with Misc appeal No.98 of 2015 passed by the Civil Judge(Senior Division), Serampore, Hooghly in connection with title suit no.68 of 2015.

It is the contention of the learned counsel for the petitioner submits that after hearing the parties, the co-ordinate Bench of this Court has disposed of the C.O. by passing a detailed order on March 28, 2017 directing both the parties to maintain status quo as on that date

in respect of possession over suit plot no.978 till the disposal of the application for temporary injunction.

It is the contention of the learned counsel for the petitioner that the application for temporary injunction was disposed of by the learned Trial Court and an order of injunction in the form of status quo still subsisting. He submits that the opposite parties have started illegal construction during subsistence of the order passed by this Court on March 28, 2017 for which the instant contempt application was filed.

It is further contention of the learned counsel that the order of injunction in the form of status quo is continuing till today by the dint of order passed by the learned Trial Court.

Having heard learned counsel for the parties, it appears to me that if the opposite party deliberately violated the order of injunction passed by this Court that tantamounts, he has disobeyed the order of this Court, which was followed by the learned Civil Judge.

On that score, I think it would be justified for the petitioner to approach the learned Trial Court, the relevant provision of law in Order 39 Rule 2A of the Code of Civil Procedure for his desired relief.

Any delay for making such application should be condoned as the petitioner has approached this Court in the instant contempt application.

The learned Trial Court shall dispose of the said application according to law if it is filed within three weeks from the date of passing of this order.

Under the above observation, the contempt application being CPAN 1239 of 2017 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)