

**IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

CRC 10 of 2025

(Re-numbered from CPAN 1463 of 2022)

in Money Execution Case No.12/2012

with

IA NO.: CAN 1 of 2025

Abdul Aziz

Vs.

Priyanka Singh, Collector, Purba Burdwan & Anr.

For the Petitioner : Mr. Gopal Chandra Ghosh, Ld. Sr. Advocate
Mr. Partha Pratim Roy, Advocate
Mr. Chandan Mondal, Advocate

For the alleged contemnor : Mr. Kishore Datta, Ld. Advocate General
Mr. Anirban Ray, Ld. Government Pleader
Mr. Nilotpal Chatterjee, Ld. Jr. Govt. Advocate
Mr. Debapriya Chatterjee, Advocate

For the applicant in CAN 1 of 2025: Mr. Joydip Kar, Ld. Sr. Advocate
Mr. Soumava Mukherjee, Advocate

Heard & Judgment on : May 21, 2025

DEBANGSU BASAK, J.:-

1. IA No.: CAN 1 of 2025 is an application for addition of a party in a contempt proceedings.

2. Learned Senior Advocate appearing for the applicant draws the attention of the Court to an order dated May 16, 2025 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No(s). 26737/2025 directed against an order dated May 13, 2025 passed by us in the contempt petition.
3. Learned Senior Advocate appearing for the applicant refers to the judgment and order dated October 5, 2021 passed by the Hon'ble Supreme Court in Civil Appeal No.5856 of 2021 and in particular paragraph 15 thereof.
4. Contempt petitioner approached the Court complaining of violation of two orders passed by the Executing Court. Both the orders were tested right upto the Hon'ble Supreme Court.
5. Contempt petitioner complained that, despite the orders passed by the Executing Court, payment in terms of the decree was not deposited before the Executing Court.
6. In the contempt petition, initially, we allowed sufficient time to the alleged contemnor to comply with the orders of the Executing Court. Order dated February 10, 2025 passed by us required the petitioner to serve the contempt petition upon the alleged contemnor. By our order dated February 18, 2025, we recorded that, the contemnor was represented.
7. Learned Advocate General represented the alleged contemnor on February 18, 2025 and February 21, 2025. On those dates, we

requested the learned Advocate General to ensure that the orders passed by the learned Executing Court were complied with. Subsequently, orders dated April 7, 2025 and May 5, 2025 were passed.

8. On May 5, 2025 we recorded the submission on behalf of the contemnor that, the orders of the Executing Court would be complied with within seven days from the date of such order.
9. Finding that, the contemnor did not comply with the orders of the Executing Court, despite the submission to such effect being recorded on May 5, 2025, we were constrained to issue a Rule as against the contemnor on May 13, 2025. In such order as also in the Rule, we provided that, in the event the orders of the Executing Court were complied with, the contemnor need not be personally present on the returnable date.
10. On the returnable date, that is, May 19, 2025, we found that, the entirety of the orders of the Executing Court were not complied with that is to say that, the entirety of the interest money receivable were not deposited with the Executing Court. We, therefore, required the presence of the contemnor in Court. Contemnor appeared in Court and assured the Court that, requisite steps would be taken for compliance. On her prayer, the Rule was fixed today.
11. Today, learned Advocate appearing for the contemnor submits a report which be taken on record.

12. Learned Advocate appearing for the petitioner submits that, money receivable by the petitioner along with the interest calculated as on date, stands deposited with the Executing Court. He, therefore, submits that, the contempt Rule may be discharged subject to the consideration of the Court.
13. It appears from the report submitted by the contemnor that, apart from depositing the money with the jurisdictional Court, contemnor issued necessary instructions to the Advocate representing the State that appropriate steps be taken regarding the withdrawal of the money. The report also states that, a show-cause notice was issued to three employees for their conduct with regard to the present matter.
14. Learned Advocate of the Contemnor tenders unqualified apology and submits that the same may be accepted and the Rule be discharged.
15. So far as the application for addition is concerned, the same is filed in contempt proceedings. Petitioner before us does not allege that, the applicant seeking to be added as party in the contempt proceedings is guilty of violation of the orders of the Executing Court.
16. It is trite law contempt proceedings are between the contemnor and the Court with the person complaining of the acts of violation, bring such facts to the notice of the Court. It is also trite law, Court is not required to hear any other parties apart from the contemnor, unless the Court finds reasons to do so.

17. There is an order of the Hon'ble Supreme Court dated May 16, 2025 which allows the applicant for impleadment to present its case in the contempt proceedings.
18. In a contempt proceeding, we are not concerned with the inter se disputes, if any, between the applicant for impleadment and the petitioner. Our scope of enquiry is whether or not the contemnor acted in wilful breach of the orders of the Executing Court.
19. Since the application for addition is made at a stage when the orders passed by the Executing Court stand complied with and apology tendered we do not find any necessity to hear the applicant for impleadment, or add it, in the contempt proceedings. Moreover, the disputes, if any, between the petitioner and the applicant for impleadment should not be entered into in this proceedings.
20. IA No.: CAN 1 of 2025 is, therefore, disposed of. We clarify that we did not enter into the inter se disputes, if any, between the petitioner and the applicant for impleadment as we are not required to.
21. So far as the CRC 10 of 2025 is concerned, we deem it appropriate to discharge the Rule in view of the steps taken by the contemnor and the apology tendered.

(Debangsu Basak, J.)

22. I agree.

(AD)

(Md. Shabbar Rashidi, J.)