SYED ROSHAN ZAMIR ALI

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 1625 of 2026

1. Anil Kumar S/o Late Shri Jhaduram Aged About 56 Years R/o Mission Higher Secondary School Near The Thursday Market Tehsil And Distt- Bilaspur Presently R/o Ward No.29 Sanjay Gandhi Nagar, Behind The Charan Aata Chakki Tarbahar, Police Station Tarbahar Tehsil And Distt- Bilaspur (C.G.) P I N-495001 Mb. 6266665835

... Petitioner

versus

1. Asim Prakash Vikram S/o Shri V.P. Vikram Aged About 43 Years R/o Jora Talab Distt- Raipur (C.G.)
2. Amod Prakash Vikram S/o Shri V.P. Vikram Aged About 41 Years R/o Village Fastepur Tehsil And Distt- Mungeli (C.G.)
3. Mrs. Lalima Anthony W/o Shri Sushil Barnard Anthony Aged About 45 Years R/o Agriculture College Nani Distt- Allahabad (U.P.)
4. Akriti Soni W/o Shri Rajkumar Soni Aged About 40 Years Purchaser Khasra No. 667/4 Rakba 0.0420 Hectore Registry Dated 07/07/2026 Caste Sonar R/o Village Kawardha R A N I M Kwardha Tehsil Kawardha Distt- Kabirdham (C.G.)

... Respondents

For Petitioner : Mr. Vinod K Deshmukh, Advocate

SB: Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

30/10/2026

1. Petitioner has filed this contempt petition alleging willful disobedience of the order dated 17.12.2025 (Annexure C-3) passed by this Court in S.A. No.858/2019 by the respondents.
2. Learned counsel for petitioner submits that plaintiff/petitioner herein had instituted a civil suit seeking a decree for declaration and partition against the defendants/respondents concerned, which was decreed in his favour vide judgment and decree dated 18.11.2016. Aggrieved thereby, the respondents preferred a civil appeal, which came to be dismissed vide judgment dated 11.10.2019. Thereafter, the respondents preferred a second appeal before this Court, which was also dismissed for want of prosecution vide order dated 17.12.2025. After dismissal of second appeal, respondent Nos. 1 to 3 have sold the disputed property to respondent No. 4. This action on the part of respondents is contemptuous and it amounts to willful disobedience of the order passed by this Court on 17.12.2025.
3. Heard learned counsel for petitioner and perused the documents filed along with contempt petition.
4. The concept of civil contempt under the statutory definition of Section 2(b) of the Contempt of Courts Act, 1971 is clear that in order to constitute civil contempt, there must be willful

violation of a Court's order or direction or decree, writ or other process of Court or breach of an undertaking given before any Court. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or willful violation of the same. Therefore, initiation of a contempt proceeding, under civil contempt would pre-suppose existence of such an order.

5. Perusal of the order of which contempt is alleged shows that even in the second round, when none appeared on behalf of appellants therein/respondents herein to press the appeal, it was dismissed by the Court for want of prosecution. This order does not disclose any specific direction issued by the Court requiring the respondents herein to perform any particular act or to refrain from doing any particular act. Consequently, there is no question of willful disobedience of any order or direction of the Court. This being the position, in the opinion of this Court, the primary requirement for maintaining a civil contempt petition is conspicuously absent in the present case. In absence of a Court’s order or direction alleged to have been willfully disobeyed, this contempt petition is not maintainable.

6. Accordingly, the contempt petition is dismissed. However, the petitioner will be at liberty to avail such other remedy against the order under contempt as may be available to him, in accordance with law.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-