

(2010) 04 KAR CK 0058
In the Karnataka High Court
Case No : CCC No. 2174 of 2009 (Civil)

M/s Kittur Channamma Roller Flour Mills Ltd., No. 35, 2nd
Cross, 4th Main, Maruthi Extension, Bangalore-560021. Now
at CC No. 159, CS No. 3941/A5 Club Road, Belgaum

APPELLANT

Vs

The Karnataka Bank Ltd. and The Karnataka Bank Ltd.

RESPONDENT

Date of Decision : 07-04-2010

Acts Referred:

Citation : (2013) 1 KCCR 436

Hon'ble Judges : N. Ananda, J;D.V. Shylendra Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar, J.—The proceedings initiated invoking contempt jurisdiction are not execution proceedings. We find our jurisdiction invoked through a contempt petition is being misused and it is invoked for flimsy reasons without any justification, only to threaten or blackmail persons who are arrayed as accused/respondents. This contempt petition is also one such petition. The complaint is that the respondents have disobeyed the orders of this Court. The prayer portion of this petition reads as under:

...this Hon''ble Court be pleased to call for the records and

(A) initiate contempt proceedings against the respondents for disobeying the order passed by this Hon''ble Court, dated 10.11.2006 in W.P. No. 18124/2004, as per Annexure-A.

(B) Grant such other relief or reliefs as this Hon''ble Court deems fit to grant in the facts and circumstances of the case including awarding the costs of these proceedings in the interest of justice and equity.

2. We find, Annexure-A is not an order passed by this Court, but it is an order passed by the Debts Recovery Tribunal, Bangalore. It only speaks of the

haphazard manner in which our contempt jurisdiction is invoked. Neither the order at Annexure-A is passed by this Court, nor particulars of case number and date would tally. Further, we notice that there is reference to an interim order dated 16.10.2007 passed in W.P. No. 16510/2007 reading as under:

That the operation of the DCP No. 3443 in O.A. No. 722/98 on the file of the Debt Recovery Tribunal, Bangalore be and the same is hereby stayed for a period of two weeks from today.

3. The prayer in the contempt petition does not mention about this order but something else.

4. Apart from this, we find that the contempt petition is presented in a most haphazard manner with as many as 17 defects noticed by the registry as under:

i) Index to be paginated.

ii) Detailed events of the case till present W.P order to be furnished with dates in chronological order.

iii) Accused to be written in place of respondents.

iv) Rank of the parties to be mentioned.

v) Parties in CCC do not tally with the parties in WP.

vi) WP No. , order dated and annexure mentioned in prayer not tally with Annexure-A and with other annexures, the same is to be clarified.

vii) Paras and annexures to be corrected in affidavit.

viii) CC of order of annexure-A to be filed.

ix) English translation copies of all the Kannada annexures to be filed.

x) All the enclosures to be attested by oath commissioner.

xi) All the enclosures to be marked as annexures.

xii) Annexure-D to be filed as stated in index.

xiii) II set to be signed by advocate.

xiv) Mobile numbers as well as mobile telephone numbers of the respective parties and advocates to be furnished vide Circular No. RPS.CBD. 1/2008 dated 11.12.2009.

xv) Markings/underlines to be removed in documents.

xvi) Relevant annexure to be filed as stated in prayer column.

xvii) After complying all the office objections I set to be tallied with II set without any defect.

5. Though the matter had come up before this Court on 25.02.2010 for non

compliance of office objections, this Court granted two weeks time to comply with the office objections. Thereafter, nothing was done. The matter was relisted on 05.04.2010. In spite of permitting for compliance and rectifying the defects, so far nothing appears to have been done. No one appears for the complainant. Viewed from any angle, the petition is liable to be dismissed.

Accordingly it is dismissed.