

(2005) 08 AHC CK 0123

In the Allahabad High Court

Case No : Civil Miscellaneous Contempt Application No. 2581 of 2005

Ram Leela Committee, Baghpur, Pargana Akbarpur, Kanpur
Dehat

APPELLANT

Vs

Ghan Shyam Das, SDM Akbarpur, Kanpur Dehat & Ors.

RESPONDENT

Date of Decision : 18-08-2005

Acts Referred:

Citation : (2005) 08 AHC CK 0123

Hon'ble Judges : S.P. Mehrotra, J

Final Decision : Dismissed

Judgement

S.P. Mehrotra, J.—The present Contempt Petition has been filed by the petitioner applicant, inter alia, praying for punishing the opposite parties for having committed contempt of this Court by flouting various orders mentioned in the prayer clause of the Contempt Petition.

2. Heard Shri K.K. Tripathi, learned Counsel for the petitioner applicant and perused the record.

3. As regards the order dated 482004 (Annexure 8 to the affidavit accompanying the Contempt Petition) passed in Civil Misc. Writ Petition No. 30119 of 2004, it is evident from a perusal of the said order that a Division Bench of this Court dismissed the said Civil Misc. Writ Petition No. 30119 of 2004. However, the Division Bench, inter alia, directed for maintenance of status quo for a period of 10 days from the date of the said order, i.e. 482004, while permitting the petitioner applicant to approach the civil Court by filing Civil Suit.

4. It is evident from a perusal of the averments made in the Contempt Petition and its accompanying affidavit that pursuant to the said order dated 482004, a Suit being Suit No. 282 of 2004 has been filed by the petitioner applicant.

5. Therefore, there is no question of any disobedience by the opposite parties in respect of the said order dated 482004 passed in Civil Misc. Writ Petition No. 30119 of 2004.

6. It further appears from a perusal of the averments made in the Contempt Petition and its accompanying affidavit that status quo order dated 2782004 was passed in the said Suit No. 282 of 2004.

7. It is, inter alia, further alleged in the Contempt Petition and its accompanying affidavit, particular, in paragraph 30 of the said affidavit that the said status quo order was subsequently extended.

8. In case, there is any disobedience of the said status quo order passed in the said Suit No. 282 of 2004, as alleged by the petitionerapplicant then appropriate remedy for the petitioner was to approach the Civil Court, itself under Order XXXIX, Rule 2A of the Code of Civil Procedure, 1908. Therefore, there is no question to entertaining the Contempt Petition by this Court on account of the alleged disobedience of the status quo order passed in the said Suit No. 282 of 2004.

9. As regards the order dated 2621998 passed in Civil Misc. Writ Petition No. 7239 of 1998, the said order is an interim order passed in the said Writ Petition. The said order dated 26 21998 (Annexure4 to the affidavit accompanying the Contempt Petition) is as follows:

"Until further order, further proceeding for auction of Ram Bazar on plot No. 1006, 1005 and 1004 situate in Village Baghpur shall remain stayed."

10. The" said Civil Misc. Writ Petition No. 7239 of 1998 was admitted by the order dated 5122000 (Annexure5 to the affidavit accompanying the Contempt Petition).

11. From a perusal of the said interim order dated 2621998, it is evident that this Court stayed further proceedings for auction of Ram Bazar on the plots mentioned in the said interim order dated 2621998.

12. From a perusal of the averments made in the Contempt Petition and its accompanying affidavit, particularly those made in paragraphs 31 to 37 of the said affidavit, it is not clear as to how the said interim order dated 2621998 is being violated. Shri K.K. Tripathi, learned Counsel for the petitionerapplicant has not shown any specific allegation made in the Contempt Petition or its accompanying affidavit that any auction of Ram Bazar on the plots mentioned in the said interim order dated 2621998 is being done by the opposite parties in violation of the said interim order dated 2621998.

13. In the circumstances, there is no question of any violation of the said interim order dated 2621998.

14. In view of the aforesaid discussion, I am of the opinion that the Contempt Petition lacks merit and the same is liable to be dismissed.

15. The Contempt Petition is accordingly dismissed.