

06.8. 2025
item No.42-46
n.b.
ct. no. 24

CPAN 757 of 2024

**Anjali Mondal
Vs.
Anil Mondal**

**With
COT 35 of 2008
Anjali Mondal
Vs.
Anil Kr. MOndal
With
CPAN 612 of 2025
Anil Mondal
Vs.
Anjali Mondal & Ors.**

**With
SA 109 of 2008
+
CAN 1 of 2007(Old NO. CAN 8212 of 2007)**

**Anil Mondal
Vs.
Anjali Mondal & Anr.
With
SAT 1987 of 2007
+
CAN 1 of 2007(Old No. CAN 8211 of 2007)**

**Anil Mondal
Vs.
Ranjit Mondal & Ors.**

Mr. Bhabani Prasad Mondal,
Mr. Sukanta Mondal,
..... for the Appellant/ respondent no.3
Mr. Prabir Maji,
Mr. Kalyan Kumar Bhattacharjee,,
..... for the petitioner in CPAN 612 of 2025.

In Re. CPAN 757 of 2024

Affidavit-in opposition filed on behalf of the alleged
contemnor be taken on record. Reply if any, filed by the
respondnet no.3 is also taken on record.

This is an application for contempt filed by respondent no.3. It is the contention of the respondent no.3 that during the pendency of the instant second appeal this Court passed an order of status quo. The appellant has initially and deliberately violated the order of status quo passed by this Court.

It is further contention of the respondent no.3 that the alleged contemnor had earlier violated the order and made an unconditional apology before this Court on the earlier occasion with a specific averment that the appellant shall not violate the order in future. But again the appellant has violated the order.

During the course of hearing, this Court thought fit and call for a report from I. C. Falta P.S. in respect of alleged violation of the order passed by this Court. The I.C. Falta P.S. has placed the report wherefrom it appears that the appellant has actually violated the interim order passed by this Court.

Learned counsel for the appellant submits that his client was unaware about the matter and during Covid Pandemic, due to extreme urgency he has made some construction. As during that period, the Court was not functioning properly, he could not appear before this Court to seek leave.

However, learned counsel for the appellant tendered unconditional apology for conduct of appellant. Considering the same, the unconditional apology

extended by the alleged contemnor/appellant be recorded herein with a specific caution that if in future the alleged contemnor/appellant violate order of this Court, it shall affect the merit of the appeal filed by the appellant.

I make it clear that the appellant has deliberately violated the order on the earlier occasion as well as well as the this occasion also. If in future he again violates the order, the second appeal will be dismissed automatically for disobedience of order of this Court.

On the above observation, CPAN 757 of 2024 is disposed of.

In Re. CPAN 612 of 2025

This is an application for contempt filed by the appellant against the respondent no.3 with averement that he has violated the interim order of status quo passed by this Court, during the course of pendency of the instant appeal. Learned counsel for the respondent no.3 raised strong objection and submits that respondent no.3 has not violated any order.

Having heard learned counsel for the parties, it appears that two appeals are pending before this Court for disposal being SAT 1987 of 2007 as well SA 109 of 2008. Against the appeal being SAT 1987 of 2007 there is a cross appeal being COT 35 of 2008. After filing of these appeals by the parties, at least four contempt applications has been filed by respective parties, it

appears that appeals are pending since 2007; before dealing with the contempt application it is required to take up these appeals. The merit of contempt application being CPAN 612 of 2025 will be considered at the time of final hearing of these appeals.

I have been informed by the learned counsel for the parties that the paper books are ready. Let all the appeals being SAT 1987 of 2007, COT 35 of 2008 and SA 109 of 2008 be fixed for hearing of appeal on August 18, 2025 at 2.00 P.M.

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

(Subhendu Samanta, J.)