

75 07.02.2023
Sc Ct. no.22

CPAN 554 OF 2016
in
WPA 20394 OF 2015

Bhuban Mohan Ghosh

Vs.

Purabi Biswas Dey,
District Inspector of Schools (S.E.)
Murshidabad & Anr.

Mr. Md. Manuwar Ali
Ms. Moumita Karmakar.

....For the Petitioner

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque.

....For the Contemnor
No.2

This is a contempt application arising out of an order passed by this Court on September 23, 2015. From the previous order passed by this Court dated January 10, 2023 it appears to this Court that on the pretext of pendency of an appeal arising from the said order under contempt, this contempt application was adjourned.

Mr. Sarwar Jahan, learned advocate appearing for the alleged contemnor no.2 prayed for some more time in the matter for the fate of the appeal.

Mr. Manuwar Ali, learned advocate appearing for the petitioner submitted that the appeal was filed in the year 2017 along with an application for condonation of delay. Till date no step was taken in the said appeal. By showing the pendency of the appeal, the alleged contemnor no.2 is avoiding this contempt proceeding.

Considering the submissions recorded above, a last opportunity is granted to the alleged contemnor and it is made clear that if on the next day of hearing the operation of the order under contempt is not stayed or set aside, the contempt proceeding shall be taken up in accordance with law and no further accommodation will be granted.

On a scrutiny of the contempt application it appeared to this Court that the same is not in the statutory form as prescribed under the relevant rules of the Contempt of Court Rules. It is trite that if a contempt application is not framed according to the statutory format, the same is not maintainable. It is equally true that the contempt application was filed in 2016 by the litigant. In the event the said contempt application is dismissed today in 2023 the petitioner will not be able to avail of the benefit of the order dated September 23, 2015 which lies in his favour.

To cause substantial justice and for the ends of justice the writ petitioner is directed to take out necessary application to cause necessary amendment in contempt petition to bring it in accordance with the statutory format.

(Aniruddha Roy, J.)