

OD-28

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
SPECIAL JURISDICTION (CONTEMPT)  
ORIGINAL SIDE

CC/80/2024

RAVI SANEI  
-VS-  
BHAWRILAL SANEI AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 08, 2024.

Appearance :

Mr. Rupak Ghosh, Adv.

Mr. Chayan Gupta, Adv.

Mr. Santosh Kr. Ray, Adv.

Ms. Rituparna Sanyal, Adv.

Ms. Antalina Guha, Adv.

...For the petitioner

The Court: The petitioner has filed the present application on the allegation that the alleged contemnors have wilfully and deliberately violated the orders passed by this Court dated 30<sup>th</sup> July, 2024 and 31<sup>st</sup> July, 2024 in GA/1/2024 in connection with CS/172/2024 (RAVI SANEI VS. BHAWRILAL SANEI AND ANR.)

On 30<sup>th</sup> July, 2024, this Court has granted leave to the petitioner under Clause 12 of the Letters Patent. On the same date the petitioner has filed an application for grant of ad interim order but when the learned Counsel for the petitioner has moved the application, learned Counsel for the defendants/alleged contemnors has entered appearance and prays for the copy of the application.

Accordingly, this Court directed the petitioner to serve the copy of the application to learned Counsel for the defendants.

Learned Counsel for the defendants submitted before this Court on instruction of the defendants, that the defendants will not take any steps for transfer of the suit property till 31<sup>st</sup> July, 2024. Accordingly, on 31<sup>st</sup> July, 2024 this Court has taken up for hearing with regard to the interim application and on 31<sup>st</sup> July, 2024 this Court passed the following Order :

“The defendant No.1 is restrained from alienating or creating any third party interest with respect of the properties mentioned in para 18 (a) of the suit till 8<sup>th</sup> September, 2024”.

Now the petitioner has filed the present application on the allegation that the contemnors in spite of the order passed by this Court and in spite of the undertaking given by the learned advocate for the contemnors on instruction from the contemnors, the contemnors have transferred the suit properties by registering deeds on 1<sup>st</sup> August, 2024.

Considered the submissions made by the Counsel for the petitioner. Perused the application and the documents available on record.

This Court finds that on 30<sup>th</sup> July, 2024 on instructions of the contemnors, the learned Counsel for the contemnors have made appropriate submissions that the contemnors will not take any steps for transfer of the suit property till 31<sup>st</sup> July, 2024 and on 31<sup>st</sup> July, 2024, learned Counsel for the contemnors have argued the matter on behalf of the contemnors and this Court after hearing the parties have passed the abovementioned interim order till 8<sup>th</sup> September, 2024.

In spite of the interim order , the contemnors have transferred the suit property on 1<sup>st</sup> August, 2024.

Considering the documents, this Court finds that the contemnors have wilfully and deliberately violated the order passed by this Court and it is the fit case wherein the Rule is to be issued.

Let the Rule be issued returnable by 29<sup>th</sup> August, 2024.

Counsel for the petitioner has also prayed for interim order in the instant application.

Considering the circumstances mentioned above, the contemnors are restrained from giving any effect or further effect to the document which were registered vide deed No.160312885/2024 volume -1603-2024 page No.335547 to 335570, deed No.160312886/2024 volume -1603-2024 page No.335606 to 335640 and deed No.160312888/2024 volume -1603-2024 page No.335524 to 335546 till 8<sup>th</sup> September, 2024 and the alleged contemnors are further restrained from alienating the suit property till 8<sup>th</sup> September, 2024. The petitioner is directed to issue notice upon the contemnor.

The petitioner is given liberty to communicate this order to the District, Sub-registrar-III and other concern authorities along with the order dated 30<sup>th</sup> July, 2024 and 31<sup>st</sup> July, 2024 District Sub Registrar- III and other authorities are directed to act in terms of the order.

(KRISHNA RAO, J.)