

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

Presents

The Hon'ble Justice Krishna Rao

C.C. No. 80 of 2024

In

G.A. No. 1 of 2024

In

C.S. No. 172 of 2024

Ravi Sanei

Versus

Bhawrilal Sanei & Ors.

Mr. Rupak Ghosh, Sr. Adv.

Mr. Santosh Kr. Ray

Ms. Rituparna Sanyal

Ms. Janvi Bidiyani

Mr. I. Basu

Ms. Siddhi Agarwal

Ms. Antalina Guha

... For the petitioner.

Mr. Surajit Nath Mitra, Sr. Adv.

Mr. Shourjyo Mukherjee

Mr. Sourojit Dasgupta

Mr. Vishwarup Acharyya

Mr. Akash Dutta

... For the alleged contemnors.

Hearing Concluded On : 24.02.2026

Judgment on : 25.03.2026

Krishna Rao, J.:

1. The petitioner has filed the present contempt application on the allegation of willful, deliberate and contumacious violation of the orders passed by this Court dated 30th July, 2024 and 31st July, 2024 in G.A. No. 1 of 2024 in C.S. No. 172 of 2024 by the alleged contemnors who are the respondents in the suit.
2. By an order dated 30th July, 2024, this Court granted leave under Clause 12 of the Letters Patent to the petitioner and the suit filed by the petitioner was admitted subject to scrutiny by the department. The petitioner along with the suit had also filed an application being G.A. No.1 of 2024 for grant of interim relief and also prayed for ad-interim order. Learned Counsel for the respondents appeared and prayed for copy of the interim application. This Court directed the petitioner to serve the copy of the application to the Learned Counsel for the respondents and copy was served.
3. As the Counsel for the petitioner prayed for ad-interim order of injunction, the Learned Advocate appearing for the respondents on instructions from the respondents submits that they will not take any steps for transfer of suit property till 31st July, 2024. As per submissions, this Court fixed the matter on 31st July, 2024.

- 4.** The matter was taken up for hearing on 31st July, 2024 for grant of interim order. After hearing both the parties, this Court restrained the respondent no.1 from alienating or creating any third-party interest with respect to the properties mentioned in paragraph 18(a) of the plaint till 8th September, 2024. The petitioner has communicated the order dated 31st July, 2024 to the respondents on 1st August, 2024.
- 5.** On 5th August, 2024, the petitioner came to know that three deeds have been executed on 1st August, 2024 out of which two deeds have been executed by the respondent no. 1 in favour of the respondent no. 3 and one deed is executed by the respondent no. 2 in favour of the respondent no. 3.
- 6.** Mr. Rupak Ghosh, Learned Senior Advocate representing the petitioner submits that the petitioner was intending to move the application for grant of ad-interim injunction after admission of the plaint but the Learned Advocate representing the respondents entered appearance in the suit and on instructions from the respondents, submits that the respondents will not take any steps for transfer of the suit property till 31st July, 2024 and this Court taken up the application for grant of ad-interim injunction and after hearing both the parties, has passed the interim order but inspite of the same, the respondents willfully and deliberately violated the order and executed deeds by transferring the property which is the subject-matter of the injunction granted by this Court.

7. Mr. Ghosh submits that despite having knowledge of undertaking and interim order passed by this Court, the respondent no.1 has executed Deeds of Gifts Nos. I-160312886/2024 and I-160312885/2024 in respect of the property situated at 41, Elgin Road, (Lala Lajpat Rai Sarani), Ward No. 70, Floor No.7 and Premises: 14, Road: Asoka Road Ward: 74, Floor No.9 respectively on 1st August, 2024 in favour of the respondent no. 3.
8. Mr. Ghosh submits that the respondent no.2 has transferred another property being premises No.14, Road: Asoka Road, Ward No. 74, Floor No.9 by Deed of Gift dated 1st August, 2024, being No. I-160312888/2024 in favour of the respondent no. 3.
9. Mr. Ghosh relied upon the judgment in the case of ***Ghanshyam Sarada Vs. Sashikant Jha, Director, M/s J.K. Jute Mills Company Limited and Others*** reported in ***(2017) 1 SCC 599*** and submits that for transfer of any tangible immovable property, under Section 54 of the Transfer of Property Act, 1882, requires a registered instrument. The transfer becomes effective, and title passes only upon registration. He submits that date of registration is crucial because the transfer is effected and title passes only on registration, therefore, in contempt proceeding the date of registration is crucial.
10. Mr. Ghosh has relied upon the judgment in the case of ***Sita Ram Vs. Balbir Alias Bali*** reported in ***(2017) 2 SCC 456*** and submits that there is a distinction between (i) proceeding against the person bound

by an order for enforcement in favour of the party who obtained it and (ii) proceeding against third party whose conduct obstructs the course of justice. He submits that a third party who knowing the terms of the injunction, willfully assists the person to whom it was directed to disobey it, is liable for contempt, whether or not the enjoined person had notice. He submits that such conduct is contempt by third party himself who knowingly interferes with the administration of justice by causing the order of the Court to be thwarted.

11. Mr. Ghosh submits that the respondents have given undertaking before this Court on 30th July, 2024 that they will not transfer the property and on 31st July, 2024, this Court passed an order restraining the respondents from alienating and transferring the suit property but in spite of an order of injunction, the respondents have transferred the suit property by violating the order passed by this Court.
12. Mr. Ghosh relied upon the judgment in the case of **Ranjit Kumar Haider Vs. State of West Bengal and Others** reported in **2003 SCC OnLine Cal 449** and submits that the Court has inherent power, even without a formal finding of contempt, to issue mandatory injunctions in contempt proceedings to implement its earlier orders and prevent their flouting by maneuver or subterfuge.
13. Mr. Surajit Nath Mitra, Learned Senior Advocate, representing the respondents submits that no act has been committed by the alleged contemnor nos. 1 and 2 by violating the orders dated 30th July, 2024 or

31st July, 2024. He submits that the deeds were presented for registration on 18th July, 2024 and execution of the gift deeds were admitted by the office of the Registrar of Assurance on 18th July, 2024 and Stamp Duty and Registration Charges were also paid on the same day. He submits that all the acts for registration of Deeds of Gift were done prior to the orders passed by this Court dated 30th July, 2024 and 31st July, 2024.

- 14.** Mr. Mitra submits that no further acts were required to be done by the alleged contemnors in relation to the gifts under the Registration Act, 1908 or West Bengal Registration Rules, 1962. He submits that the alleged contemnors have not violated the orders passed by this Court as alleged by the petitioner.
- 15.** Mr. Mitra submits that “date of registration” is on 1st August, 2024 and “date of completion” is on 2nd August, 2024 but for registration of deed, the alleged contemnors have no role to play as the same is the duty of the office of the Registrar of Assurance. He submits that on 2nd August, 2024, the District Sub-Registrar has issued the Certificate of Registration.
- 16.** Mr. Mitra relied upon Sections 32 to Section 60 of the Registration Act, 1908 read with West Bengal Registration Rules, 1962 and submits that the deeds on the basis of which the petitioner has filed the present contempt application, does not in any manner indicate that the alleged contemnors have violated the order passed by this Court dated 30th

July, 2024 and 31st July, 2024 or acted against the orders dated 30th July, 2024 or 31st July, 2024.

- 17.** Mr. Mitra submits that Certificate of Admissibility under Rule 43 of the West Bengal Registration Rules, 1962, was issued by the District Sub-Registrar on 2st August, 2024. The said certificate and the endorsement relate back to the date of execution of the deeds and the deeds were presented on 18th July, 2024 much prior to the order passed by this Court.
- 18.** Mr. Mitra submits that being aggrieved with the order passed by this Court dated 31st July, 2024, an appeal was preferred being APOT No. 284 of 2024 and by an order dated 29th January, 2025, the appeal was disposed of by returning the plaint to the petitioner, thus as on date there is no suit pending in the eye of law before this Court.
- 19.** The petitioner has filed the present contempt application against the alleged contemnors on the allegation of willful and deliberate violation of the orders passed by this Court dated 30th July, 2024 and 31st July, 2024. The petitioner by relying upon three Deeds of Gift, has filed the present application alleging that inspite of the order of injunction, the alleged contemnors got the deeds registered on 1st August, 2024 and completed on 2nd August, 2024.
- 20.** The petitioner has relied upon the details received from the website of the Office of the Directorate of Registration and Stamp Revenue wherein it reveals that the District Sub-Registrar-III, South 24

Parganas registered three gift deeds being Deed No. I-160312885/2024 executed by Bhawrilal Sanei, the Contemnor No.1 in favour of Yash Vardhan Sanei, the Contemnor No.3 dated 1st August, 2024 and completed on 2nd August, 2024. Deed No. I-160312886/2024 executed by the Contemnor No.1 in favour of Contemnor No.3 dated 1st August, 2024 and completed on 2nd August, 2024 and Deed No. I-160312888/2024 executed by the Contemnor No.2 in favour of Contemnor No.3 dated 1st August, 2024 and completed on 2nd August, 2024.

- 21.** The alleged contemnors have disclosed the copies of three gift deeds in their affidavit wherein it reveals that the contemnors have executed the deeds on 18th July, 2024 and the same was admitted on the same day and Stamp Duty was also assessed and paid on the same day i.e. on 18th July, 2024. Certificate of Admissibility was issued on 1st August, 2024 and Certificate of Registration was issued on 2nd August, 2024 by the District Sub-Registrar -III.
- 22.** The deeds disclosed by the alleged contemnors reveals that as per Section 32 of the Registration Act, 1908 on 18th July, 2024, the deeds were presented in the office of the District Sub-Registrar-III after its execution by both the parties including witnesses to the said deeds. It also appears that as per Section 34 of the Act on 17th July, 2024, queries were made and in terms of Section 35 (a) on 18th July, 2024, parties were present before the Registering Authority and admitted the execution of the deeds.

- 23.** As the alleged contemnors have admitted the execution of deeds, as per Section 52 of the Act, finger prints and photographs of the donor and donee was obtained and as per Section 58, the deeds admitted to registration on 18th July, 2024. From the deed, it further appears that after all the entries are made, the District Sub-Registrar has made his endorsement on 18th July, 2024 in terms of Section 59 of the Act.
- 24.** On completion of all formalities, in terms of Section 60 of the Act of 1908 read with Rule 69, the District Sub-Registrar has issued Certificate of Admissibility on 1st August, 2024 and the Certificate of Registration was issued on 2nd August, 2024 by mentioning registered book number, volume number and deed number.
- 25.** This Court considered the judgments relied by the petitioner and found that the facts and circumstances of the present case are distinguishable from the facts and circumstances of the judgements relied by the petitioner. The petitioner has filed the present contempt application on the pretext that after the order of injunction passed by this Court, the alleged contemnors have got the deeds of gift registered before the Registering Authority. After perusing the deeds disclosed by the alleged contemnors, this Court finds that with respect to the deeds, queries were made by the Registering Authority on 17th July, 2024 and being satisfied with the queries, the parties to the deeds present before the Registering Authority and executed the deeds on 18th July, 2024. Stamp Duty was also paid on 18th July, 2024. Finger prints were also taken on 18th July, 2024 by affixing the photographs of the Donor and

Donee. The District Sub-Registrar made his endorsement on 18th July, 2024, itself.

- 26.** This Court finds that execution and admission of the deeds were completed on 18th July, 2024, i.e. much prior to the interim orders passed by this Court dated 30th July, 2024 and 31st July, 2024. On 1st August, 2024, Certificate of Admissibility was issued and on 2nd August, 2024, the District Sub-Registrar has issued Certificate of Registration and the alleged contemnors have no role to play with regard to issuance of Certificate by the District Sub-Registrar.
- 27.** Considering the above, this Court did not find any willful and deliberate act committed by the alleged contemnors in violation of the orders passed by this Court dated 30th July, 2024 and 31st July, 2024.
- 28.** In view of the above, **C.C. No. 80 of 2024** is **dismissed**. Interim order is hereby vacated. Rule, if any, issued against the alleged contemnors are discharged.

(Krishna Rao, J.)