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SLP(Crl.)No. 3767 OF 2001

ITEM No.17

Court No. 5

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3767/2001

(From the judgement and order dated 27/04/2001 in DBCCP 3/01
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

BHANWARLAL JAJOO & ORS.

Petitioner (s)

VERSUS

VINOD KUMAR AGARWAL & ORS.

Respondent (s)

(With Appln(s). for accepting English translation)

Date : 15/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Sushil Kumar Jain, Adv.

For Respondent (s) Mr. Aruneshwar Gupta, Adv.
Mr. Prashant Kumar, Adv.
Ms. Triveni Potekar, adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard the learned counsel for the parties for a few
minutes.

Leave is granted.
The appeal is allowed. No costs.

.SP1

(S. Thapar)
PS to Registrar

(Kanwal Singh)
Court Master

The signed order is placed on the file.

.PL56

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 377 OF 2002@@
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(Arising out of SLP(Crl.)No.3767/2001)

Bhanwarlal Jajoo & Ors.

Appellant (s)

Versus

Vinod Kumar Agarwal & Ors.

Respondent (s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave is granted.
Heard learned counsel for the parties.

This appeal is filed against the judgment and order of the Division Bench of the High of Rajasthan at Jodhpur in D.B.Criminal Contempt Petition No.3 of 2001 dated 27.4.2001.

The Contempt Case was filed alleging violation of the order of the High Court of Rajasthan in S.B.Civil Writ Petition No.2535 of 1976 dated April 11, 1983. It appears, the Municipality filed a Civil Suit claiming declaration of the title, which was dismissed on 17th February, 1999. The Municipality carried the matter in appeal which was also dismissed. However, the High Court dismissed the Contempt Petition holding as follows:

.....L.....T.....T.....T.....T.....T.....T.....J.....R
.SP1

"In view of the facts that the proceedings are pending in the Civil Court, this proceeding for contempt can not be initiated. The petition for contempt is dismissed."

-2-

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

From the above narration it is clear that, in fact, no civil proceedings were pending as on the date of the disposal of the Contempt Petition by the High Court on April 11, 1983. On this short ground itself the order under challenge is liable to be set aside and we accordingly do so. The Contempt Case is restored to the file of the High Court. The High Court may proceed to dispose of the Contempt Case on merits in accordance with law. The appeal is accordingly allowed. No costs.

.SP1

.....J
(Syed Shah Mohammed Quadri

New Delhi,

.....J

March 15, 2002

(S.N. Variava)