

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 834 OF 2002

MADAN MOHAN PATRA

Appellant (s)

VERSUS

BALAILAL MAITY & ANR.

Respondent(s)

Date: 01/04/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA  
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s)

Mr. Chanchal Kumar Ganguli, Adv.

For Respondent(s)

Mr. Rana Mukherjee, Adv.

Mr. Anand, Adv.

Mr. Azim H. Laskar, Adv.

Mr. D. Bharat Kumar, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Avijit Bhattacharjee, Adv.

Mr. Saumya Kundu, adv.

Mr. Bikas Kar Gupta, Adv.

UPON hearing counsel the Court made the following  
ORDER

The appeal is dismissed in terms of the signed order.

(Sukhbir Paul Kaur)  
Court Master

(Vinod Kulvi)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.834 OF 2002

MADAN MOHAN PATRA

Appellant(s)

Versus

BALAILAL MAITY & ANR.

Respondent(s)

ORDER

Heard learned counsel for the parties.

By the impugned judgment the High Court at Calcutta in  
S.A. No.4 of 1997 has held the appellant guilty of wilful  
disobedience of the injunction order passed by it. The High Court

has awarded a sum of Rs.20,000/- as compensation to the respondents and imposed a fine of Rs.1,000/- upon the appellant. In default of payment of fine, the appellant has to suffer simple imprisonment for one month.

On close examination of the order of the High Court, we do not find any substance in this appeal calling for interference by this Court. The High Court has dealt with all the submissions raised by the appellant and passed a detailed order holding the appellant guilty of civil contempt for wilful disobedience of the injunction order.

-2- ...2/-

We are also informed by the learned counsel that the Second Appeal arising out of the judgments of the Trial Court and the First Appellate Court is pending before the High Court for adjudication on merits. In that view of the matter, we are not inclined to embark upon the merits of the case in these proceedings which shall be dealt with and considered by the Appellate Court on their own merits. However, we make it clear that any observation made by the High Court in its order or by us in this order, shall not be construed an expression of opinion on the merits of the appeal pending before the High Court.

The appeal is accordingly dismissed.

.....J.  
(LOKESHWAR SINGH PANTA)

.....J.  
(B.SUDERSHAN REDDY)

New Delhi,  
April 01, 2009