

ITEM NO.1 Court 6 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 304/2021 in C.A. No. 2710/2010

MANJUNATH BABU K Petitioner(s)

VERSUS

NARASAMMA & ORS. Respondent(s)

Date : 31-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Ashok Bannidinni, Adv.
Mr. Aviral Chandra, Adv.
Mr. Sujeet Kumar, Adv.
Mr. Anshuman Nayak, Adv.
Mr. Subhranshu Dash, Adv.
M/S Bannidinni And Co., AOR

For Respondent(s) Mr. N.V. Kumar, Adv.

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

On 26.08.2020 the appeal was decided. In view of long possession, we had granted appellants time to handover vacant and peaceful possession of the scheduled property on or before 31.12.2020 subject to furnishing of usual undertaking within a period of four weeks.

The undertaking was not filed nor possession handed over and they enjoyed the benefit of the extended time period. Finally, contempt Petition had to be filed which is before us and on 06.12.2021, we had issued notice. On 03.01.2022, counsel for the respondent entered appearance and we granted two weeks' time to file counter affidavit

and directed the contemnors to remain present in Court on the next date of hearing whether physically or virtually. On 21.01.2022, learned counsel for the respondent submitted that his conscious did not permit him to continue to discharge his duties as a counsel for the respondents and thus, he sought discharge. He requested that the matter may be taken up after a week to facilitate the respondents to engage another counsel. The respondent Nos.2, 4 and 5 were also present. They also requested for some time to engage a counsel.

We now find that objections have been filed to the Contempt Petition. It is accepted that the review petition has also been dismissed and it is claimed that respondent Nos.2, 4 and 5 are in the process of filing a curative petition now!

We find the conduct of the respondent Nos.2, 4 and 5 completely contemptuous and they are hell bent on defeating the orders of this Court after enjoying an extended possession of 1 ½ years. It is not as if they do not understand the consequences thereof and thus, the plea of the counsel now appearing for the respondents that they are rustic people, is of no avail. The counsel who canvassed the case throughout also appears to have endeavoured to guide them but unsuccessfully. That is the reason he decided not to appear for them.

We have not the slightest hesitation in coming to the conclusion that respondent Nos.2, 4 and 5 are guilty of

willful disobedience of the orders of the Court and we hold them guilty of contempt. We defer proceedings for consideration of sentence.

In the meantime, we want to ensure that the direction passed by this Court is complied with. We thus, direct the Executing Court, with the assistance of the police, to forthwith ensure that the decree passed by this Court is implemented. The order of the Court be sent immediately to the Executing Court to ensure execution within a maximum period of two weeks from today.

On the next date of hearing we will consider issue of sentence as well as the damages for use and occupation beyond the period granted by this Court.

List on 21.02.2022.

The contemnors to remain present physically or virtually depending on the nature of proceedings.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)