

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1942 OF 2022

(Arising out of Special Leave to Appeal (C) No.4136/2022)

DR. SANJEEV LALWANI & ANR.

Appellants

VERSUS

KUCHIBHOTLA SRIVATSA

Respondent

O R D E R

1. Though the matter is coming up today for the first time, since Mr. Devadatt Kamat, learned Senior Advocate, assisted by Mr. Pai Amit, learned Advocate-on-Record, is appearing on behalf of the respondent on caveat, with the consent of the parties, the matter is taken up for final hearing immediately.

2. Leave granted.

3. This appeal challenges the order dated 23.02.2022 passed by the High Court of Andhra Pradesh at Amravati in Contempt Case No.492 of 2022.

4. Contempt Case No.492 of 2022 filed by the respondent herein sought enforcement of directions issued by the High Court in its order dated 25.01.2022 passed in Writ Petition (Civil) No.370 of 2022 and submitted *inter alia* that the representation made by the respondent was not considered in the light of the direction issued by the High Court.

5. The said Contempt Case came up before the High Court on 23.02.2022, when following order was passed by the High Court:

"Heard Mr. Y.V. Ravi Prasad, learned Senior Counsel for the applicant.

Issue notice to the respondents.

The respondent shall remain present before this Court on 14.03.2022."

6. Mr. Dushyant Parashar, learned Advocate appearing for the appellant submits that the representation was considered by the authorities in question and was disposed on 17.02.2022 and a copy of the order disposing of the representation was sent to the respondent through Speed Post.

7. Considering the facts and circumstances on record, in our view, the personal presence in Contempt Case ought not to be insisted upon. Therefore, we set-aside that part of the order by which the appellants were directed to remain present in Court on 14.03.2022, subject to the following conditions:

"a. Appropriate response to the contempt case shall be filed on behalf of the appellants in Contempt Case No.492 of 2022 on or before 14.03.2022.

b. The protection granted in this order shall be available till the disposal of the Contempt Case.

8. We have not and shall not be taken to have reflected on the merits of the rival contentions, which may be gone into independently by the High Court while exercising contempt jurisdiction.

9. With these observations, the appeal is disposed of with no order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi;
March 11, 2022.

