



cf 306

(4) (6)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR :C.G.

W.P.(C) no. 132/07

PETITIONERS :

Defendants/
Judgment debtors

1. Biswanath Tripathy, aged about 47 years, s/o. late Shri Sashi Bhusan Tripathy, Director Postal Services C.G. Circle, Raipur, C.G.

P.R. No. 7151/06
Presented by Sri V.S. Tiwari
dated 7-12-06

Bhau Rao Nimsatkar, aged about 59 years, s/o Shri Rushijee, Sr. Suptd. of Post Offices, Durg Division, Civic Center, Bhilai, dist. Durg, C.G.

3. Ram Singh Thakur, aged about 51 years, s/o Shri Shambhu Ram Thakur, Post Master, Durg Head Office, Durg.

VERSUS

RESPONDENT :

Plaintiff/decree holder

- D. M. Dongre, aged about 47 years, s/o Shri Mangoji Dongre, r/o Quarter no. 9-B, Street no. 6, Sector 1, Bhilai Nagar, dist Durg.

2268 John -

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/ CERTIORARI/ PROHIBITION OR DIRECTIVE /ORDERS IN THE LIKE NATURE ETC.

मामला क्रमांक W.P.(C)....132... सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>31.01.2007</u></p> <p>Shri Bhishma Kinger, counsel for the petitioners.</p> <p>By this petition the petitioners are challenging the proceedings against them for the alleged contempt committed by them in disobeying the judgment and decree dated 06.01.2003 passed in Civil Suit No. 131-A/2002 by the First Civil Judge Class II, Durg.</p> <p>Learned counsel for the petitioners submits that the decree in favour of the respondent was passed restraining postal department from deducting penal rent vide judgment dated 06.01.2003. However, the deductions were effected from the month of January 2003 to March 2003 i.e. for a period of three months. On these allegations an application of Annexure P-5 was filed and notices were issued. It is contended that the present petitioners have taken up the charge of their respective posts subsequent to the dates on which the alleged deductions were made and as such they may not be held responsible for the willful disobedience of the decree.</p> <p>He further submits that the Court below ought not to have taken cognizance of the application for initiating contempt proceedings against the petitioners as the contemners have not been named in the application, even then notices were issued. He further submits that the petitioners are not being permitted to be represented through their advocates by the Court below and their personal appearance is being insisted upon.</p>	

मामला क्रमांक W.P.(C) 132 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
<p>S/K</p>	<p>I have heard counsel for the petitioners.</p> <p>From the documents filed by the petitioners it appears that the petitioners were proceeded ex-parte as they did not appear despite service of notice. It further appears that deduction of penal rent from the salary of the respondent continued even after service of notice.</p> <p>Considering the facts and circumstances of the case, this petition is being disposed of with a direction to the petitioners to appear in person before the concerned Court on the next date of hearing and submit their reply to the show cause notice issued to them, which shall be decided on its own merits. Thereafter, the petitioners shall be permitted to appear through their counsel.</p> <p>In view of above, M.W.P.No. 255/05 and I.A.No. 711/07 stand disposed of.</p>	<p>Sd/- Dhirendra Mishra Judge</p>

P.T.O.

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10/02/07