

HIGH COURT OF UTTARAKHAND, AT NAINITAL

Civil Contempt Petition No.10 of 2009

Smt. Manorama Kaintora W/o Shri Vijai Singh Kaintora	...	Petitioner
Versus		
Sri S. P. Khali, Addl. District Basic Education Officer & another	...	Respondents

Dated:- 22nd February, 2010

Hon'ble Tarun Agarwala, J.

Heard Ms. Jyoti Joshi, Advocate holding brief of Mr. B. D. Upadhyaya, the learned counsel for the petitioner and Mr. J. P. Joshi, the learned Chief Standing Counsel for the State of Uttarakhand.

Pursuant to the order of this Court dated 18th February, 2010, Mr. J. P. Joshi, the learned Chief Standing Counsel has placed a demand draft No.333151 dated 20th February, 2010 issued by the State Bank of India, Pauri Branch in favour of the applicant Smt. Manorama Kaintura for a sum of Rs.1,33,189/- towards the payment of interest in compliance of the order of writ court dated 28th July, 2004.

It has taken five and a half years for the opposite party to comply with the order of the writ court. The opposite party should not be proud of this fact and should be ashamed. The Court, inspite of the compliance of the orders of the writ court, can still haul up the opposite party and sue them for contempt proceedings. Since, the contempt is writ large, but in the circumstances of the case, the Court has also to see that the order of the writ court is complied with instead of pursuing the matter.

Since the arrears had already been paid earlier and now the interest portion is being paid through a demand draft, the Court is of the opinion that substantial compliance of the order of the writ court has now been made and that no useful purpose would be served in keeping these proceedings pending any further.

Accordingly, this Court directs the Reader of this Court to take a photocopy of the demand draft and keep it on record and handover the original demand draft to Ms. Jyoti Joshi, Advocate holding brief of Mr. B. D. Upadhyaya, the learned counsel for the applicant, who in turn will handover the same to the applicant. An endorsement from the learned counsel about the receipt of the demand draft shall be taken by the Reader on the order sheet.

In view of the aforesaid, notices are discharged and contempt petition is dismissed.

(Tarun Agarwala, J.)

Dated 22.02.2010

LSR