
(2008) 12 AHC CK 0146

Allahabad High Court

Case No: None

Jagannath Sharma and another

APPELLANT

Vs

Jagdeep Yadav and others

RESPONDENT

Date of Decision: Dec. 1, 2008

Hon'ble Judges: Abhinava Upadhyaya, J

Final Decision: Dismissed

Judgement

Abhinava Upadhyaya, J.

List has been revised. None appears to press the present contempt petition. However, learned counsel for opposite parties No. 5 and 6 is present today in the Court. The contempt petition is being disposed of on merits.

It is submitted that the writ petition was filed against the order of the Consolidation Officer, by which opposite party No.7 Nageshwari Devi was declared bhoomidhar of the land in question. The writ petition was decided on the basis of compromise arrived at between Nageshwari Devi and the opposite parties No. 5 and 6 and the said compromise was also made rule of the Court. In the writ proceedings, the petitioners in this case had moved an application for impleadment. However, after the compromise arrived at between Nageshwari Devi and the opposite parties No. 5 and 6, the said impleadment application was not pressed. Subsequently, some 52 persons had also filed impleadment application but the same was rejected. Thereafter, respondents No. 5 and 6 moved an application before the writ Court for deletion of the name of opposite parties No.5 to 52 from the array of parties in the writ petition. That application was allowed and the names as stated above were deleted and the writ petition was disposed of in terms of the compromise arrived at between Nageshwari Devi and the opposite parties No. 5 and 6. Aggrieved by the said order, the petitioners had gone upto Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 9.5.1994, which is filed as annexure10, held that the compromise so arrived, would not be binding on the petitioners before the Supreme Court. The present contempt petition has been filed alleging that the order

dated 1.9.1998 (Annexure15) by which the names of the petitioners were expunged before the mutation Court, amounts to contempt of the High Court order.

Considering the aforesaid fact, in my view, since the petitioners themselves were not party in the writ petition, they could not have come before this Court for non compliance of the order. If the petitioners are aggrieved by any order passed by the mutation Court, they have a remedy of challenging the same before appropriate forum. In my opinion, no contempt has been committed by the respondents.

The contempt petition is accordingly dismissed. Notices, if any, are discharged.