

## Mukhtar Jafarbhaji Maulana Hasanali and others, Etc. Vs Amiruddin and others

**Court:** Bombay High Court (Nagpur Bench)

**Date of Decision:** April 29, 1991

**Acts Referred:** Civil Procedure Code, 1908 (CPC) – Order 39 Rule 1

**Citation:** (1992) CriLJ 1986

**Hon'ble Judges:** A.A. Desai, J

**Bench:** Single Bench

**Advocate:** P.G. Palshikar, for the Appellant; A.M. Tayade, Asstt. Govt. Pleaders, S.G. Aney, V.R. Manohar, A.S. Joshi, Mrs. Anjali Joshi, A.M. Deshmukh and S.G. Charde, for the Respondent

### Judgement

@JUDGMENTTAG-ORDER

1. In these proceedings, the petitioners complain that the respondents by publication appeared on 9-3-1991 in daily "Nav Bharat" at Jabalpur

have shown a flagrant disregard of the order of this Court dated 6-2-1991 and thereby committed a contempt. On 25-3-1991 notices to the

respondents were issued. They were made returnable within two weeks. The matter was finally heard on 22nd, 23rd and 24th April, 1991.

2. In 1967 the petitioners filed a suit purported to be u/s 8 of the Madhya Pradesh Public Trusts Act for setting aside the finding recorded by the

Charity Commissioner u/s 6 of the said Act and claiming declaration that the Public Trust has been created by virtue of a deed marked as Exh. 554

in 1894. The trial Court recorded a finding that the plaintiffs have proved that as per the directions of Maulana Malak Saheb, a Public Trust was

created in 1894. However, the plaintiffs are not the members and followers of the sect founded by Maulana Malak Saheb and as such, they were

not entitled to a declaration as sought for.

3. The petitioners, therefore, presented an appeal before the District Judge. The respondent No. 1 also filed a cross-objection. The petitioners on

1-4-1989 applied under Order XXXIX, Rules 1 and 2 of the CPC for temporary injunction and prayed therein to restrain the respondent No. 1

or his agent from selling, alienating, transferring or dealing with the Trust property in any manner whatsoever till disposal of the appeal. The District

Judge by order dated 16-11-1989 rejected the application. The petitioners, therefore, presented appeals against the order registered as Nos.

76/89 and 77/89.

4. This Court on 21-12-1989 passed the following order :

Admit. Interim injunction as prayed.

The respondent No. 1 thereafter applied for vacating injunction. After hearing the learned Counsel for both the parties, this Court on 7-2-1990

passed the following order :

Heard both sides on interim relief. The parties to maintain status quo till decision of the appeal. Hearing be expedited.

5. This Court thereafter finally took up the matter for hearing on 6-2-1991. This Court considering the pendency of appeal against the original

decree, directed the District Judge to decide the appeal within a period of one year from 6-2-1991. While disposing of the appeal against order,

this Court directed the parties to maintain status quo till final disposal of the appeal pending before the District Court.

Subsequently, the Supreme Court in Contempt Proceedings Registered as 178/90 by order dated 12-2-1991 appointed the respondent No. 1 as

a Receiver in respect of the properties referred to in para (30) of the judgment of trial Court.

Advocate V. G. Palshikar on 23-2-1991 issued a Public Notice in a daily ""Nagpur Times"" under a caption, ""CAUTION"" informing in this behalf.

This public notice further informs that respondent No. 1 undertook not to alienate the property in any manner.

6. Respondent No. 2, namely, Advocate S. G. Ghate on behalf of his client respondent No. 1 issued clarification in reply to the said public notice.

This impugned publication on 9-3-1991 appeared in daily ""Nav Bharat"" of Jabalpur.

The upper portion of this publication is in vernacular (Hindi) which lays ""Free from all disputes by Supreme Court, shops in Akashganga Shopping

Complex, Sadar Bazar, Main Road are available on rent, contact Vimal Gupta, Advocate (respondent No. 3) and Bajendra Shrivastava

(respondent No. 4).

The below mentioned portion of this publication is in English which carries a caption, ""Be Aware of False and Misleading Propaganda"". It says that

the contents of notice of Advocate V. G. Palshikar are false and misleading. Para (1) of this publication says that -

Para (30) of the judgment of Civil Judge, Senior Division, Nagpur, only refers to creation of a Trust in respect of field No. 43 area 3.16 acres

situated at Mehadibagh Colony, Nagpur. The Court has nowhere held any other property to be the Trust Property.

Para (5) say that -

My client Moulana Amiruddin Malak Saheb has consented to act as a Receiver only in respect of filed No. 43 area 3.16 acres, which is the only

property referred to in Exhibit 554 in the said notice. No other property except that mentioned above is under management of the Receiver.

Para (6) says that -

The statement made by my client not to alienate the property is only in respect of the above mentioned property. The property at Jabalpur or any

where else belonging to my client and other co-owners was never a Trust property nor has been declared as a Trust property by any Court so

far.

7. The petitioners, therefore, presented the instant petitions. It is averred that the respondents 1 to 4 have made false and misleading statements.

They have intentionally, deliberately and wilfully disobeyed the order of injunction of this Hon'ble Court in Appeal Against Order No. 76 of 1989

and have started transferring the property by way of lease of flagrant violation of the order of injunction. They contend that the order of injunction

is also in respect of Jabalpur property. It is further averred that the respondents are guilty of contempt of the Court. They have also averred that

respondent No. 2 is a Counsel of respondent No. 1, he is acting in connivance with respondents 1, 3 and 4 to deal with Jabalpur property on

behalf of respondent No. 1 and thus, he has a scant regard for the order of the superior Courts. It is further averred that the respondents are

violating order of this Court every day and hence, action for contempt is necessary.

8. In reply, the respondents denied to have committed contempt of this Court. According to the learned Counsel for respondents 1 and 2, the

impugned publication was not on behalf or in the capacity of Receiver appointed by the Supreme Court by order dated 12-2-1991.

9. Respondents 1 and 2 at the outset disown the vernacular portion of the publication. According to them, they are neither the authors of the said

portion nor the said portion was published under their instructions. They tried to suggest that somebody else has incorporated the said vernacular

portion in the impugned publication. Respondent No. 1 has not disputed that the respondent No. 3 Advocate Vimal Gupta acts as his Counsel.

The respondent No. 1 in reply has stated that the other co-owners had engaged one Santosh Kapoor as their agent for letting out the shops

constructed at Jabalpur. There was no question of sale of said shops at all. The advertisement also relates to letting out of shops on rent. It is false

to say that the respondent No. 1 had any way engaged the respondent No. 4 for the purposes of the sale of the said shop.

10. The respondents 1 and 2 owe their responsibility to the extent of English version. Notice of caution dated 23-2-1991 issued by Advocate V.

G. Palshikar merely refers to appointment of the respondent No. 1 as a Receiver in respect of the property referred to in para (30) of the judgment

of the trial Court. This notice dated 23-2-1991 does not make any reference to Jabalpur property. However, in clarification by the impugned

publication, the respondents 1 and 2 invite a specific attention to Jabalpur property as a personal property and not a trust property. In the said

publication, they have proclaimed that they are at liberty to alienate any other property except 3.16 acres of land at Nagpur. This English portion of

the publication is in consonance with the advertisement inviting offers for letting out the shop premises.

The respondents 1 and 2 have thus actively associated themselves with letting out of the shop premises. Disowning vernacular portion appears to

be more strategic. Moreover, there is no convincing explanation as to how this vernacular portion came to be incorporated to their own document

without their consent or knowledge. Furthermore, there is no rejoinder or clarification after the impugned publication appeared in the newspaper.

Claim of respondents 1 and 2 being unconcerned with the vernacular portion is absolutely without any substance or merit.

11. Shri Manohar, the learned Counsel appearing for respondent No. 2, in his submission admitted that order of status quo has the same effect like

order of injunction dated 21-12-1989 in preventing the respondents from alienating any property including property Jabalpur. However, he tried to

urge that the impugned publication has not in any manner offended the order of this Court dated 6-2-1991. According to him, even by the

impugned publication the respondents have neither alienated nor transferred the property in question. In his submission, merely inviting an offer for

lease would be an attempt which does not amount to violation of the order of this Court as such, the respondents cannot be charged for having

committed contempt of this Court.

The submission as advanced is not well merited. This Court by order dated 6-2-1991 directed the parties to maintain status quo as regards the

property. Inviting offer to lease out the shops would certainly create a third party interest. Even otherwise, making such venture to create a third

party interest by way of leasehold right amounts to dealing with the property. Such venture is in violation of the direction of this Court dated 6-2-

1991 to maintain status quo as regards the property.

12. The respondent No. 1 in para (4) of his reply has stated that the civil suit relates only to 3.16 acres of property known as Mehadibagh,

Nagpur and no other property. In para (11) he says that when the appeal was heard finally on 6-2-1991, the order passed was only in respect of

maintaining status quo. This also relates to only a few acres of land at Mehadibagh, Nagpur as pointed out above.

Shri Aney, the learned Counsel appearing for the respondent No. 1, reiterated the stand. The learned Counsel candidly admitted that the order of

injunction dated 21-12-1989 covers the property at Jabalpur. However, he made a deviation from the stand taken by Shri Manohar. In his

submission the subsequent orders dated 7-2-1990 and 6-2-1991 varied the earlier order of injunction dated 21-12-1989. According to him, by

order dated 6-2-1991 the respondent No. 1 was directed to maintain status quo of the position as reflected in the order dated 16-11-1989

passed by the District Judge while rejecting the application for temporary injunction. He invited my attention to certain observations made in para

(19) which read as thus :

admittedly the property at Jabalpur in respect of which the injunction is sought by the appellants is not the subject matter of the suit and, therefore,

no injunction can be passed in respect of that property.

Submission of the learned Counsel is that the final order of this Court dated 6-2-1991 does not upset the findings of District Judge referred to

above. The status quo as directed as such was to be maintained in respect of property at Mehadi Bagh which is 3.16 acres of land.

The entire submissions as made are totally misconceived. Undisputedly, the petitioners had applied before the District Judge for grant of injunction

against trust property which also includes the property at Jabalpur. The District Judge had rejected the application adopting the reasoning as

referred to above. This reasoning and finding was undisputedly the subject-matter of Appeal Against Order which was disposed of by order dated

6-2-1991, and this Court directed to maintain statusquo. In effect, this Court has not maintained the order of rejection to grant injunction in respect

of the said property as passed by the District Judge. It was thus commanded by this order that the property which is the subject-matter of the

controversy need not be dealt with in any manner so as to interfere with its position as prevailing on the day of order, i.e. 6-2-1991. It is explicit

therefrom that the parties were under obligation to maintain the status of the property which was a subject-matter of controversy, viz. as to whether

it is a property of a Trust or not. It was further crystal clear that the parties were further obliged nor to bring any change either in the character of

the property or legal interest. The property at Jabalpur which is reflected in the impugned publication amongst other since subject-matter of the

controversy in Appeal Against Order was specifically covered by the order dated 6-2-1991. It was simply erroneous to urge that the order of

status quo was confined only to 3.16 acres of land at Nagpur.

13. Shri Manohar and Shri Aney then canvassed a common ground that since order dated 6-2-1991 covers the property at Jabalpur, it was

without jurisdiction. Being void ab initio, the order does not command obedience and is liable to be ignored without waiting for its reversal or

modification. Shri Manohar in support of his submission, invited my attention to the observations in a commentary of IYER on Contempt of Courts

Act. Referring to an English decision, it is quoted that -

The remarks of Viscount Haldane do support the view that when there is an irregularity of substance, or a lack of jurisdiction to make the order,

then there is no duty that the order be first obeyed before it is quashed by the same or a superior Court.

For the same proposition, my attention is also invited to a decision in Vivekanand Atmaram Chitale v. Vidyavardhini Sabha 1984 Mah LJ 520 :

1985 Cri LJ 359 It is held therein that -

an order without jurisdiction is a nullity. There can be no contempt in respect of such order. An order without jurisdiction is a nullity which can be

ignored with impunity.

In view of this, it was urged that the subject-matter of suit was confined to land at Mehadi Bagh, Nagpur. The order granting status quo in respect

of the property at Jabalpur was outside the jurisdiction of the Court and hence, in the submission of the learned Counsel, the order dated 6-2-

1991 being without jurisdiction could be ignored by the parties. As such, even if there is a violation, it does not amount to a contempt. According

to me, the submission is completely ill founded.

14. The trial Court in its judgment dated 30-9-1986 while summing up the findings in para (30) has recorded that -

(a) the Trust was created by the Deed (Exh. 554) in 1894 and the Trust property in the hands of Trustees can be recovered any time;

(b) it seems that the successors of Baddruddin have tried to usurp the Trust property for their own use by a Deed (Exh. 249) executed in 1931 by

members of the defendant sect;

(c) a relinquishment deed (Exh. 249) is there. Validity of such document and the effect of the same on the Trust is not in issue in this suit because

true beneficiaries are not contesting this suit.

It is thus amply clear that the trust property is also covered by Exh. 249. Inclusion of Jabalpur property in question in Ex. 249 is not disputed

before me.

Shri Aney referring to observation quoted above for sometime tried to urge that the property covered by Exh. 249 was not the subject-matter of

the suit. The submission is wholly erroneous. What was observed by the learned trial Judge is that the subject-matter of the suit was not the validity

or effect of Exh. 249. However, the property covered by Exh. 249 held to be property of the trust and hence it was the subject-matter of the suit.

The trial Court in para (30) specifically made a mention that successors of Baddruddin had tried to usurp the Trust property for their own use by a

Deed (Exh. 249) executed in 1931.

15. The trial Court dismissed the suit on the ground of locus of the plaintiffs. This judgment and decree dated 30-9-1986 was the subject-matter of

the regular appeal before the District Judge. In application for temporary injunction, the petitioners asked for injunction restraining the respondents

from dealing with the property of trust which includes the property at Jabalpur. The order rejecting this application dated 16-11-1989 was,

therefore, subject-matter of Appeal Against Order as presented by the petitioners before this Court. This Court finally disposed of the Appeal

Against Order by order dated 6-2-1991 directing the parties to maintain status quo. This order also covers property at Jabalpur. The property in

question has an origin in the initial suit proceedings. As such, the order dated 6-2-1991 was well within the jurisdiction of this Court. It does not

suffer any vice much less lack of jurisdiction. The order, therefore, commands obedience with entire solemnity and authority and of course, without

any demur.

16. Next submission is that the wilful disobedience is an essence of an act of contempt. If the respondents genuinely drew an inference that order

dated 6-2-1991 was without jurisdiction and such inference even if ultimately found to be erroneous, the act of disobedience could not be termed

as wilful. Hence, they are not liable for action of contempt. The stand as taken is not well intended.

The respondent No. 1 in para (16) of his reply says that "even otherwise, this respondent is required to abide by lawful orders passed by any

Court. With great respect, it is submitted that assuming though not admitting that this Hon"ble Court in its judgment dated 6-2-1991 directed the

parties to maintain status quo with regard to properties including the Jabalpur properties, this Hon"ble Court's order dated 6-2-1991 might not be

said to be a lawful order inasmuch as it included in its purview the properties which were never a subject-matter of dispute. For this reason as well,

no contempt has been committed by this respondent if the Jabalpur properties were dealt with.

The respondent No. 2, however, has not offered any explanation as tried to be canvassed before me.

According to Shri Manohar, such stand is not necessary. I am unable to agree with this submission. No doubt, contempt proceedings are quasi

criminal in nature. Since there has been a flagrant disregard to the order of this Court, the contemner who claims that his act of disobedience is not

wilful must disclose the set of circumstances or mental attitude at the relevant time which led him to the impugned act of disobedience. In absence

of any such explanation, genuineness of the conduct cannot be examined. Reason for such contemptuous act if it is in the mental attitude of the

contemner, the same is exclusively within the knowledge of such person. It could not be invented for him. Moreover, the Court cannot imagine that

the contemner might have committed the act of disobedience since loaded with an erroneous belief as regards the lack of jurisdiction of Court.

It is pertinent to note that even otherwise, there is no casual reflection of such explanation, as tried to be offered in the impugned publication. It is

more pertinent that in the impugned publication, even there is no reference to the order of this Court dated 6-2-1991. The respondents have

blissfully ignored the order of this Court not for the reason as advanced in their arguments. The plea as raised lacks good faith.

17. Shri Aney tried to suggest that taking together notification dated 4-6-1954, order rejecting application to include other property by the High

Court which was subsequently confirmed by the Supreme Court and deletion of certain issues would indicate that the trust property was confined

to land admeasuring 3.16 acres at Mehadi Bagh, Nagpur. This property alone was the subject-matter of the suit. In the submission of the learned

Counsel, the respondents were, therefore, justified in carrying an impression that the Jabalpur property was not the subject-matter and order

passed by this Court which includes Jabalpur property is void ab initio, being without jurisdiction.

This submission is not only misconceived, but also full of misnomer. The notification or interim applications during the pendency of the suit were

incident prior to the ultimate verdict dated 30-9-1986. On the face of this judgment which was the subject-matter of appeal, no one with a genuine

sense and good faith can look back either to earlier incidents. As discussed, the trial Court in para (30) of its judgment while summarising the

finding has recorded the subject-matter of the Trust property. To this para (30), the Supreme Court has also made a specific reference in its order

dated 12-2-1991.

The Supreme Court in order dated 12-2-1991 has specifically mentioned -

that the Deputy Charity Commissioner's anxiety was to protect the property which is claimed to belong to a public Trust.

The intervener, (who is a petitioner before me), as observed by the Supreme Court, has also shown the same anxiety. It is further mentioned that -

since the litigation in respect of the said property is pending in the District Court, it is essential that during its pendency the properties which are

stated to belong to the public Trust should not be frittered away.



It is further observed that -

there was some controversy regarding the subject-matter of the suit. Fortunately, the trial Court has summed up its conclusions in paragraph 30 of

the judgment wherein reference has been made to certain properties which, in the opinion of the trial Court, constituted the subject-matter of the

dispute.

The Supreme Court has further observed in the said order that -

.... for the limited purpose of identifying the properties which will be governed by this order, we have referred to paragraph 30 of the trial Court's

judgment.

It is further observed by the Supreme Court that -

the learned Counsel for the petitioner (respondent No. 1) (bracketed portion supplied by me) has very frankly stated that the petitioner will not

alienate the properties referred to in paragraph 30 of the trial Court order.

In view of this, the Supreme Court by consent appointed respondent No. 1 as a Receiver.

18. The Supreme Court thus explained in un-ambiguous terms that the property which was the subject-matter of the proceedings and the legal

controversy is as referred to in para (30) of the judgment of the trial Court. Even then, either to take a judgment or to carry an impression after

going back to the matters which are incidental to final verdict summarised in para (30) to draw an inference that the property other than Mehadi

Bagh, Nagpur was not a subject-matter of the dispute or legal controversy, according to me, could not be an outcome of a process of genuine

thinking in a prudent manner. It is certainly a calculated venture with a definite design to circumvent the order of this Court. The plea lacks good

faith and bona fide.

19. The respondent No. 1 in reply has stated that according to him, the High Court order now stands superseded by the Supreme Court order. If

at all any contempt has been committed, the contempt would be that of the order of the Supreme Court and not of the High Court order. As such,

jurisdiction to take action for contempt would now lie only with the Supreme Court and not with the High Court.

Shri Aney reiterated this stand. The stand as taken is lame and even otherwise is totally untenable. It does not bear any seed of bona fide. As

discussed earlier, the contempt proceedings before the Supreme Court were owing to inclusion of certain property in the Public Trust register by

the Deputy Charity Commissioner. The Supreme Court directed deletion of those entries and ordered appointment of the respondent No. 1 as a

Receiver. The order passed by this Court on 6-2-1991 was not the subject-matter of those proceedings. Even otherwise, Supreme Court has

neither referred to order of this Court for the same has been either superseded or reversed or modified. The Supreme Court by order dated 12-2-

1991 merely placed the property referred to in para (30) of the judgment of the trial Court under the management of the respondent No. 1 as a

Receiver. Respondent No. 1 as per the direction has to manage the property by taking necessary directions from the District Court. This order has

not in any manner affected the order of status quo as ordered by this Court on 6-2-1991. The order of status quo dated 6-2-1991 was subsisting

with full rigour. The parties were under obligation to maintain status quo as regards the property covered by para (30) of the judgment of the trial

Court. As such, this plea is legally without foundation.

Even otherwise, such plea has no reflection in the impugned publication. As candidly admitted and observed hereinbefore, the respondent No. 1

while issuing the impugned publication did not act as a Receiver. Hence, this plea even otherwise is not available. The plea as raised is not only

untenable, but also suffers from lack of good faith.

20. Respondent No. 1 on 16-1-1990 filed reply to the application for injunction. Respondent No. 1 in the said reply, states that the Jabalpur

property was neither a subject-matter of the suit nor is the subject matter of the appeal. He further states that allowing the injunction during the

pendency of appeal would amount to allowing the appeal without effective hearing. He has pleaded that if an injunction is granted, it would work as

immense hardship and financial loss to the respondent and other co-owners. Already huge amount in constructing 23 shops has been invested by

the builders and others. It is further pleaded that if such an injunction is granted and ultimately the appeal is dismissed, he would stand to lose

considerably during the period in which the injunction is in force.

From this reply, it is explicit that the respondents were conscious that the Jabalpur property was the subject matter of the injunction. On 7-2-1990

even after hearing the respondent No. 1, this Court has not vacated the injunction as claimed by the respondent No. 1, instead ordered status quo

which was confirmed in final disposal vide order dated 6-2-1991. Despite this, by an impugned publication to invite offers for Lease Deed is not

only a flagrant disregard, but is an act of wilful, deliberate and intentional disobedience of the order dated 6-2-1991 on the part of the respondents

Nos. 1 and 2. The act of impugned publication directly and substantially interferes with the course of justice.

21. The respondent No. 1 is stated to be a religious head of the sect. According to him, to respect and obey the order of the Court is his pious

obligation. He accepts that respondents 2 and 3 acted as his Counsel.

The respondent No. 2 says that he is a senior Counsel and he has acted only on the instructions of his client, namely, respondent No. 1,

Respondent No. 2 further states that he is well aware with his duties and obligations.

It appears that the respondent No. 2 is a Standing Counsel of the respondent No. 1 and has appeared in various proceedings at various stages of

litigation. The respondent No. 2 with his standing at the Bar is well versed with the facts and legal implications. Respondent No. 2 being an Officer

of this Court owes a duty of a higher degree than to his client as regards maintaining the dignity and authority of this Court. The respondent No. 2

knowing full well all the stages of the litigation and orders passed by this Court from time to time cannot simply pretend of having acted on the

instructions of a client. He was moreover under professional obligation to guide his client, namely, respondent No. 1 in an appropriate manner to

promote dignity of his worthy profession and honour of the administration of justice. According to me, Advocate S. G. Ghate has not discharged

either of the duties towards the Court and client.

I, therefore, hold Amiruddin s/o Hasant Nurani (respondent No. 1) and Advocate S. G. Ghate (respondent No. 2) guilty of having committed

contempt of this Court by flouting the order dated 6-2-1991 by issuing the impugned publication.

Respondents 1 and 2 both have tendered apology. The apology as tendered appears to be a ritual then with a genuine sense of regret. By their

defence and various pleas as set up, they made an endeavour to aggravate their act of contempt. As such, the apology as tendered by them cannot

be accepted. They are liable to be punished.

22. Respondent No. 3 Advocate Vimal Gupta is practising in High Court, Jabalpur. He states that he is a respectable member of the Bar. His

explanation is that he was merely asked to draft a Lease Deed in case of finalisation of negotiations between the lessor and lessee. He states that

he, therefore, consented for his name being included in the publication. He further states that he is not concerned with the English version of the

impugned publication.

Mrs. Joshi, the learned Counsel appearing for the respondent No. 3, tried to support the stand as taken. She tried to urged that the act of

associating with the impugned publication could not be said to be a calculated, intentional or deliberate. I heard Mrs. Joshi at length.

However, it could not be appreciated that the respondent No. 3 who even otherwise merely agreed to draft a Lease Deed in case of settlement

between the parties has offered his name to be incorporated in the impugned publication as a person to be contacted by those who are willing to

accept lease. Even otherwise, from the text of publication, it was apparent that the property shrouds with some legal controversy. It would have

been more expedient for him to verify before offering his name.

Mrs. Joshi urged that nothing has been brought on record to suggest that the respondent No. 3 had a definite knowledge of the order of this Court

dated 6-2-1991. She, therefore, submitted that in absence of such definite knowledge, violation of the order by the respondent No. 3 could be

unintentional. For such act of disobedience, the respondent No. 3 could not render himself liable for act of contempt. After hearing the learned

Counsel for respondent No. 3, I find that definite knowledge cannot be attributed to the respondent No. 3. I, therefore, exonerate him.

23. The respondent No. 4 is a builder. According to him, agent of respondent No. 1, namely, Shri Santosh Kapoor approached him to settle

bargains with the customers for disposal of the property known as Akashganga Shopping Complex, Sadar, Jabalpur. They never informed with

respect to any dispute regarding the said complex pending in any Court. He further says that he did not authorise any one to incorporate his name

in the publication. He further says that he made a complaint in this regard to respondent 1, 2 and 3 for having kept him in dark. He further says that

he has not in any manner dealt with the property. The explanation as offered appears to be satisfactory.

24. In view of my discussion, I order that -

(i) respondent No. 1 is held guilty of having committed contempt of this Court. However, taking his position, instead of sending him to Jail, I direct

him to pay a fine of Rs. 100/- only within a period of one week. In case of default, he shall suffer simple imprisonment for 15 days.

(ii) respondent No. 2 is also held guilty for having committed contempt of this Court. Taking into account the responsibilities he owes to this Court,

I impose a fine of Rs. 1,000/- to be paid within a period of one week. In case of default, he shall suffer simple imprisonment for one month;

(iii) respondents 3 and 4 are hereby exonerated and they discharged.

Respondents 1, 2, 3 and 4 are further directed to withdraw the impugned publication within a period of one week from today.

25. Order accordingly.