

N.C. DAS  
v.  
M.A. MOHSIN AND ANR.

SEPTEMBER 9, 1997

[S.P. BHARUCHA AND M. JAGANNADHA RAO, JJ.]

*Contempt of Court—Petition before High Court for initiating contempt proceedings against opposite parties for alleged non-compliance of Court's order—High Court holding that order had been complied and no further action required—Appeal—Held in contempt proceedings, such as these, an appellate court will not interfere unless the order is totally perverse—There is no perversity in the order passed by the High Court—Constitution of India, 1950—Article 136.*

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 15812 of 1997.

From the Judgment and Order dated 2.5.97 of the Patna High Court in M.J.C. No. 699 of 1996.

Deba Prasad Mukherjee, B. Kar Gupta and Sanjay Ghosh for the Petitioner.

The following Order of the Court was delivered :

This is a Special Leave Petition against an order of the High Court at Patna declining to take proceedings in contempt against the respondents. This is what the High Court said :

I have heard Mr. P. K. Sinha and Mr. Jai Narayan, Sr. Counsel appearing on behalf of the parties, and also perused the show cause filed by the O.Ps. Although the conduct of the O.Ps. does not appear to be very fair but in the facts and circumstances of the case, I do not think it fit and proper to pass any further orders. Since the judgment and order has been complied with by the O.Ps., no further action in this regard is needed. Mr. P.K. Sinha, learned counsel, submitted that although the petitioner has been given promotion but all the consequential benefits have not been paid to him. It goes

A without saying that if the petitioner submits all the necessary documents and papers there should not be any reason for the opposite parties not to pass necessary orders for payment of all consequential benefits. This contempt application is disposed of accordingly.

B At the commencement of the hearing, we told learned counsel that in contempt proceedings such as these, an Appellate Court will not interfere unless the order is totally perverse. The Special Leave Petition has, nonetheless, been argued at length. We are in no doubt at all that there is no perversity in the order that is challenged.

C The contempt jurisdiction is not to be invoked or allowed to be invoked to enable that appellant to wreck personal vengeance against the alleged contemnors.

D The Special Leave Petition is dismissed.

R.P.

Petition dismissed.