

Bipin Kumar Chaterjee a. vs Bejoy Bhasker

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Court : Kerala

Decided On : Oct-01-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : Con.Case(C)/1393/2021

Appellant : Bipin Kumar Chaterjee a.

Respondent : Bejoy Bhasker

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 AGAINST THE JUDGMENT IN WP(C) 23456/2020 OF HIGH COURT OF KERALA, ERNAKULAM PETITIONER: BIPIN KUMAR CHATERJEE A. AGED 57 YEARS S/O AYYAPPAN MASTER, RESIDING AT VELLAPPALLIL, KADATHY EAST, MARKET P.O, MUVATTUPUZHA-686673. SRI.P.G.JAYASHANKAR SRI.P.K.RESHMA (KALARICKAL) SRI.REVATHY P. MANOHARAN SRI.S.RAJEEV RESPONDENT: BEJOY BHASKER AGE AND NAME OF FATHER NOT KNOWN TO THE PETITIONER, DIRECTOR (TECHNICAL), COCHIN SHIPYARD LTD, PERUMANOOR P.O, COCHIN PIN-682015.

SRI.M.GOPIKRISHNAN NAMBIAR SRI.K.JOHN MATHAI SRI.JOSON MANAVALAN SRI.KURRYAN THOMAS SRI.PAULOSE C. ABRAHAM SRI.RAJA KANNAN THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 01.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

When this contempt case was moved, the allegation of the petitioner was that the directions in the judgment, dated 12.11.2020 had not been complied with by the respondent.

2. However, Sri.Nandakumar, learned senior counsel, instructed by Sri.Gopikrishnan Nambiar, learned standing counsel for the respondent, pointed out that Annexure R1(a)

order had been issued and thus prayed that this contempt

case be closed.

3. The petitioner, thereupon, filed a reply producing

Annexure A5, which he asserts to be the Minutes of the meeting of the company dated 23.02.2021, arguing that the decision in Annexure R1(a) was taken without proper application of mind.

4. I have heard Smt.P.K.Reshma, learned counsel for the petitioner and Sri.Nandakumar, learned senior counsel for the respondent

5. I am afraid that I cannot find favour with the afore

submissions of the petitioner, as impelled by Smt.P.K.Reshma, because if Annexure R1(a) order has been issued incorrectly or is vitiated for any other reason, the petitioner certainly will have to challenge it appropriately and it will not be up to this Court to decide such matters, while acting in the Contempt of Court jurisdiction. Resultantly, I close this contempt case; however, leaving open all

contentions of the petitioner, including that Annexure R1(a) order has been issued in a casual manner, to be pursued by him appropriately when Annexure R1(a) order is challenged. Sd/- DEVAN RAMACHANDRAN JUDGE
APPENDIX OF
CON.CASE(C) 1393/2021 PETITIONER ANNEXURE
Annexure A1 A CERTIFIED COPY OF THE JUDGMENT DATED 12.11.2020 IN WPC NO.23456 OF 2020.
Annexure A2 A TRUE COPY OF THE EMAIL DATED 02.03.2021

SENT BY THE COUNSEL FOR THE PETITIONER, ALONG WITH ITS REPLY EMAIL DATED 20.03.2021 RECEIVED BY THE PETITIONER FROM THE OFFICE OF THE CONTEMNOR.

Annexure A3 A TRUE COPY OF THE EMAIL DATED 19.03.2021 SENT BY THE CONTEMNOR TO THE PETITIONER. Annexure A4 A TRUE COPY OF THE EMAIL DATED 05.07.2021 PREFERRED BY THE COUNSEL FOR THE PETITIONER. Annexure A5 A TRUE COPY OF THE DOCUMENT EMAILED ON 08.09.2021 PURPORTING TO BE THE MINUTES OF MEETING HELD ON 23.02.2021. RESPONDENT ANNEXURE
Annexure R1A A TRUE COPY OF THE ORDER DATED 14.09.2021

PASSED BY THE RESPONDENT IN COMPLIANCE OF THE JUDGMENT, DATED 12.11.2020 IN WRIT PETITION NO. 23456 OF 2020.

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