

DEVI LAL AND ANR.
v.
MOHAN PRASAD AND ANR.

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MAY 9, 1996

[K. RAMASWAMY, FAIZAN UDDIN AND G.B. PATTANAIK, JJ.]

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Contempt of Court :

Sentence awarded in contempt case—Application for recalling the order on the ground that result of the case and directions of Court were not communicated to the applicants by their counsel—Held, it would be normal practice, unless contrary is proved, that counsel who appeared for the litigant duly would intimate the result of the order passed by this Court—Besides, applicants are said to have declined to receive dasti notice—Application: dismissed.

C

Practice and Procedure :

Communication of result of cases disposed of by the Court—Held, it would be normal practice, unless contrary is proved, that counsel who appeared for the litigant duly would intimate the result of the order passed by this Court.

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CIVIL APPELLATE JURISDICTION : I.A. Nos. 1-3 of 1996.

IN

Contempt Petition No. 148 of 1995.

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IN

Special Leave Petition (C) No. 12300 of 1991.

From the Judgment and Order dated 22.3.91 of the Patna High Court in C.R.P. No. 1708 of 1986.

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N.S. Bisht for the Appellants.

K.D. Prasad and A.N. Bardiya for the Respondents.

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A The following Order of the Court was delivered :

 The petitioners pray in these petitions, among other things, to recall our order dated 8.1.1996. They say that the counsel who appeared for them did not inform the result and the undertaking they were required to give to vacate the premises. They were not served with the dasti service in the contempt proceedings and, therefore, they were unaware of the proceedings that took place in this Court. Consequently, they were wrongly convicted. Their special leave petition against order of eviction upheld by the High Court was dismissed. Time, at request, was given to deliver vacant possession after expiry of the time and written undertaking was given. It is too much to accept such contentions. It is not in dispute that Mrs. Gyan Sudha Misra, counsel appearing on their behalf had filed the SLP. It is not their case that they made enquiry of the result of the case in this Court. It would be normal practice, unless contrary is proved, that the counsel who appeared for the petitioners duly would intimate the result of the order passed by this Court. Under these circumstances, this Court cannot investigate into the fact whether the counsel for the petitioners had communicated the order or not. It is not their case that they have vacated the premises after the SLP came to be dismissed by this Court after expiry of given period. The postal service of notice in contempt petition has not been effected. Consequently, we directed service by dasti so that personal notice could be given to the petitioners by the respondents. An affidavit has been filed by Mohan Prasad, son of Dwarka Prasad, the respondent in the SLP and the petitioner in the contempt petition, wherein he has stated that he had taken the service personally to the respondents and sought to serve on them. They had declined to receive the notice. Thus, service of notice could not be effected through dasti. We do not find that any case is made out to recall the order directing them to undergo sentence of six months awarded in the contempt case.

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 All the I.As. are accordingly disposed of.

R.P.

Petition dismissed of.