

IN THE HIGH COURT OF MADHYA PRADESH

----- SEAT AT -----

CONC NO. -----

PETITIONER:-

VERSUS:-

RESPONDENT:-
(CONTEMNOR)

APPLICATION FOR DEFERRING THE HEARING OF INSTANT
CONTEMPT PETITION

The answering respondent most humbly begs to submit as under:-

1. The instant contempt petition has been filed being aggrieved with the non compliance of order dated ----- passed in W.P. No. ----- Whereby the Hon'ble High Court was kind enough to direct the answering respondents to extend the benefit as mentioned below:-
.....
.....
.....
2. That the answering respondents at the outset tender their unconditional and unqualified apology for any inadvertent act or omission on their part, which may amount to contempt of lawful authority and jurisdiction of this Hon'ble Court. The answering respondents have highest regards for the orders passed by this Hon'ble Court and they cannot even think of disobeying the same.
3. That it is appropriate here to mention that the answering respondents have filed Review petition/Writ Appeal/SLP/ Review SLP Noagainst the order passed in W.P. No. ----
----- for modification/ quashing of order dated ----- and same is likely to be heard therefore, during the pendency of said application the hearing of instant contempt petition may kindly be deferred, in the interest of justice.
4. That it is appropriate here to mention that Hon. Apex Court & Division Bench of Hon. High Court have also held in many cases that if the judgment passed by Hon. High Court in Writ Petition / Writ Appeal is under challenge before the appropriate court by means of I.A., Review Petition, Writ Appeal, S.L.P. or Review S.L.P. and that is under consideration then there will be no matter of contempt of court because the decision is still not final. The description is as below :-

1.The Hon'ble Supreme Court in the case of Mrityunjoy Das and another versus Sayed Hasibur Rahaman and others reported in 2002 (3) SCC 739 has held as under :-

..... Incidentally, since the appeal is pending in this Court for adjudication, and since the matter under consideration have no bearing on such adjudication so far as the merits of the dispute are concerned, we are not expressing any opinion in the matter neither we are required to express opinion thereon, excepting however, recording that probabilities of the situation may also warrant a finding, in favour of the interpretation of the applicant. The doubt persists and as such in any event the respondents being the alleged condemners are entitled to have the benefit or advantage of such a doubt having regard to the nature of the proceeding as noticed herein before more fully.

2.The Hon'ble High Court Jabalpur M.P. in Contempt Appel No. 01/2013, M.L. Dangi versus Dr. Devraj Virdhi and others, Decided on 16/09/2023 has held as under :-

This contempt appeal has been filed under Section 19 of the Contempt of Court's Act. Inter alia contending that in the contempt proceedings initiated against the respondents in Con. C. No. 412/13, the learned Single Judge refused to initiate action for contempt mainly on the ground that certain Special Leave Petitions were pending before the Hon'ble Supreme Court and keeping in view the fact that the Special Leave Petitions were pending, the question of law cannot be considered, the Court refused to initiate action for contempt and indicated that the question of initiating action for contempt shall be considered after the matter is finally decided by the Supreme Court in the pending Special Leave Petitions. In doing so, the learned Contempt Court has not committed any error.

Accordingly finding no case made out for interference into the matter, the appeal is dismissed.

PRAYER

It is therefore, prayed that the Hon'ble High Court may kindly be pleased to allow the instant application and defer the hearing of instant contempt petition during the pendency against the order of W.P. No. -----, in the interest of justice.