IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF FEBRUARY 2002

PRESENT

THE HON'BLE MR. N.K. JAIN, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE N.KUMAR

C.C.C No. 3109/2001 (CIVIL)

BETWEEN

1   DYNASTY HOLDINGS (P) LTD
        A COMPANY INCORPORATED UNDER THE
        COMPANIES ACT, 1956 AND HAVING ITS
        REGISTERED OFFICE AT I FLOOR
        EMBASSY POINT, 150, INFANTRY ROAD,
        BANGALORE 560 001.
        REP.BY ITS MANAGER A.T.GOPINATH.
                                    ... COMPLAINANT

(By Sri ASHOK PATIL)

AND :

1   K J HEGDE
        CHIEF MANAGER OF VIJAYA BANK
        RESIDENCY ROAD BRANCH,
        NO.134/1, RESIDENCY RPAD,
        BANGALORE 560 025.
                            ... RESPONDENT

THIS CCC FILED UNDER SECTIONS 11 & 12 OF THE

CONTEMPT OF COURT ACT, PRAYING TO INITIATE CONTEMPT

PROCEEDINGS AGAINST THE RESPONDENTS FOR DISOBEYING

THE ORDER DATED 26.11.2001 IN M.F.A.NO. 6250/01.

THIS CCC COMING ON FOR PRELIMINARY HEARING

THIS DAY, THE CHIEF JUSTICE MADE THE FOLLOWING:-

O R D E R

This contempt petition is filed for non-compliance of the order dated 26.11.2001 passed in M.F.A.No. 6250/2001 wherein this court after setting aside the impugned order remitted the matter to the trial court to decide afresh. It was further observed that in the guise of this order the bank shall not put up any new construction.

2. Learned counsel for the complainant submits that despite the above observation the respondent has put up some construction. The construction was started on 3.12.2001 and therefore the respondent is liable for contempt of court.

3. We have heard the learned counsel for the complainant and perused the materials placed on record.

4. This matter arises out of a suit pending in the Civil Court under Order 39 Rule 1 and 2 CPC. Under the circumstances, it would be appropriate that the parties can pursue their remedy before the competent court. Further these are all questions

of fact which cannot be gone into at this stage, more particularly when a suit is pending. Therefore, without going into the merits of the case, we direct the complainant to approach the civil court as per law.

Contempt petition is dismissed accordingly.

Sd/-
Chief Justice

Sd/-
Judge

ckl/-