

Court No. - 49

Case :- CONTEMPT APPLICATION (CRIMINAL) No. - 2 of 2022

Applicant :- In Re

Opposite Party :- Ramakant Verma, Advocate And Another

Counsel for Applicant :- A.G.A.,Sudhir Mehrotra

Counsel for Opposite Party :- Hanuman Deen Verma

Hon'ble Suneet Kumar,J.

Hon'ble Umesh Chandra Sharma,J.

Heard Sri Anil Tiwari, Senior Advocate, assisted by Sri Hanuman Deen Verma, learned counsel for the contemnors.

Pursuant to show cause notice dated 15.02.2022 as to why the contempt proceedings may not be initiated against the contemnor Sri Ramakant Verma, a practicing lawyer at Judgeship Basti and the second contemnor Ram Sanvare, they have tendered unconditional apology with an undertaking that they would be careful in future.

Having regard to the conduct of the first contemnor Ramakant Verma, Advocate, of having issued Section 80 C.P.C. notice to the presiding officer demanding compensation with a threat that in case the compensation is not paid recourse would be taken by instituting a suit.

In our opinion, the conduct of Sri Ramakant Verma, Advocate, is unbecoming of a practicing advocate, such conduct cannot be appreciated. Further, the first contemnor-Sri Ramakant Verma, Advocate, admits that he had issued the notice at behest of his client (Ram Sanvare), who appears to be a rustic villager and acted on the advice of his counsel.

Accordingly, it is provided that both the contemnors shall appear before the presiding officer, Smt. Anju Kanaujia, Additional Principal Judge, Family Court, Basti, and tender written apology with an undertaking that they would not repeat such conduct in future. The apology to be tendered on or before 13.04.2022.

Taking a lenient view, a cost of Rs. 5000/- is imposed upon first contemnor Sri Ramakant Verma, Advocate, to be deposited with the District Legal Services Authority, Basti. The amount shall be deposited by 20.04.2022 and a copy of the receipt thereof shall be submitted to the District Judge, Basti. On failure, the first contemnor, Sri Ramakant Verma, Advocate, shall not be allowed to enter the premises of the District Judgeship, Basti, for the next six months. Additional Principal Judge, Family Court, Basti, shall submit a compliance report through Principal Judge, Family Court, Basti as to whether the contemnors have complied the order.

The presence of the contemnors is exempted.

The restrain imposed upon the first contemnor, Sri Ramakant Verma, Advocate, not to enter the premises of Judgeship, Basti, is recalled, it shall, however, be subject to compliance of the present order.

List on 05.05.2022.

Order Date :- 5.4.2022/K.K. Maurya