

SUPREME COURT OF INDIA

N. Venkateshaiah

Vs.

P.V. Naik

C.A. No. 3152 of 1998

(B. N. Agarwal and H. K. Sema JJ.)

15.07.2004

ORDER

1. Heard learned counsel for the parties.
2. This appeal has been filed against judgment rendered by the Karnataka High Court in a contempt proceeding whereby appellant has been convicted under Section 12 of the *Contempt of Courts Act, 1971* and sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs. 5, 000/- and in default, to undergo further simple imprisonment for a period of two months. Apart from that, Rs. 1, 000/- has been awarded as cost of litigation. In the present case, the contempt alleged is of order dated 5.3.1997 passed by the High Court in Writ Appeal No. 1608 of 1994 whereby the petitioner therein was directed to pay a sum of Rs. 50, 000/- to the respondent without fixing any time for its payment.
3. In view of facts stated hereinabove, we do not propose to go into the merit of this appeal as to whether in cases where no time limit is fixed for compliance of the order, a party can be said to have disobeyed order of the Court merely by non-payment in view of the fact that the amounts of Rs. 50, 000/-, fine of Rs. 5, 000/- and cost of Rs. 1, 000/- have been already paid to the respondent. In the facts and circumstances of the present case, we are of the view that it would be just and expedient to set aside the impugned order and drop the contempt proceeding.
4. Accordingly, the appeal is allowed, the impugned order is set aside and the contempt proceeding is dropped. No costs.