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IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 31ST DAY OF AUGUST, 2010

PRESENT

THE HON'BLE MR. J. S. KHEHAR, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE MANJULA CHELLUR

CCC NO.1005 OF 2010 (CIVIL)

BETWEEN:

1. Dr. Brunda M.S.
W/o Raghu T. Gokhale
Aged about 31 years
No.641, 4th 'C' Main
OMBR Layout, Banaswadi
Bangalore
2. Dr. A. Pavana Ganga
D/o Venkataramana
Aged about 32 years
No.21, Gokula, 1st Cross
Jambusavari Dinne
J. P. Nagar 8th Phase
Bangalore-560 076
3. Dr. Radha K.N.
D/o K. R. Nanjundappa
Aged about 29 years
No.146, 2nd Cross
1st Main, Matru Layout
Yelahanka New Town
Bangalore-560 065

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4. Dr. Sanjeev Kumar B.M
S/o Maralaiah K.C.
Aged about 34 years
Kenkere Village
Chikkamaranahalli Hobli
Tumkur District
5. Dr. Jayaprakash G
S/o Govindappa
Aged about 29 years
Mathrushree Nilaya
Marasandra, Dodda Tumkur
Post, Bangalore North Taluk
Pin-561 203
6. Dr. Amalendu Bikash Toong
S/o Late R. Toong
Aged about 31 years
Now residing at Kanupat Village &
Post, P. S. Udayanarayanpur
Sub-Division: Uluberia
Dist: Howrah, West Bengal ...COMPLAINANTS

(By Sri. T.P. Rajendra Kumar Sungay, Advocate)

AND:

Dr. Mohan M.E
Principal
Adichunchanagiri Institute of
Medical Sciences
B. G. Nagar
Belur-571 418
Mandya District ...ACCUSED

(By Smt. Geetha Devi for M.P. Assts.)

This contempt petition is filed under Sections 11 & 12 of Contempt of Courts Act 1971 by complainants wherein they pray that this Hon'ble Court be pleased to

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initiate contempt proceedings against the accused and punish him for willful disobedience and non-compliance of the order dated 09.11.2009 passed in W.P.7816/2007 and W.P.10928/2007 vide Annexure-A.

This C.C.C coming on for Orders this day, Chief Justice passed the following:

ORDER

J.S.KHEHAR, C.J. (Oral):

Mr. T.P. Rajendra Kumar Sungay, advocate for the complainants/petitioners, Ms. Geetha Devi, Advocate for the accused/respondent.

2. Through the instant contempt petition learned counsel for the complainants/petitioners calls in question the action of the accused/respondent in not complying with the order passed by this Court on 09.11.2009 while inter alia disposing of W.P. No. 7816/2007 and W.P. No.10928/2007 (which had been preferred by the complainants/petitioners).

3. During the course of hearing, learned counsel for the accused/respondent invited the attention of this Court to the fact, that Petitions for Special Leave to

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Jagdish Singh

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Appeal (Civil) bearing nos. 19031-19048/2010 had been filed in the Supreme Court, so as to assail the order dated 09.11.2009 referred to herein above. It is the contention of the learned counsel for the accused/respondent, that an interim order had been passed by the Supreme Court in the aforesaid petitions requiring the fee to be refunded subject to the condition that the concerned students furnish a bank guarantee. Learned counsel for the complainants/petitioners during the course of hearing handed over to us, a copy of the order passed by the Supreme Court on 16.8.2010 (in the Petitions for Special Leave to Appeal referred to herein above). The order handed over to us in Court today is taken on record and marked as "Annexure-A". It is the contention of the learned counsel for the complainants/petitioners, that "Annexure A" cannot be the basis for denial of the implementation of the order dated 09.11.2009 on account of the fact that the institution(s) where the complainants/petitioners were undergoing their academic training, have not preferred

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any challenge to the order passed by this Court on 9.11.2009.

4. In order to controvert the contention advanced by the learned counsel for the complainants/petitioners it is submitted by the learned counsel for the accused/respondent, that petitions on behalf of institution(s) referred to by the learned counsel for the complainants/petitioners have also been filed before the Supreme Court, however, the same will be listed for hearing in due course.

Jagdish Singh

5. Keeping in view the factual position noticed herein above, we are of the view that in the light of the order passed by the Supreme Court on 16.8.2010 (Annexure A), it is not appropriate for us to proceed with the matter any further. It would be more appropriate to await the decision of the Supreme Court before initiating any proceedings against the accused/respondent under the provisions of the Contempt of Courts Act, 1971.

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Accordingly, the instant contempt petition is disposed of with liberty to the complainants/petitioners to file a fresh petition, on the same cause of action, after disposal of the controversy by the Supreme Court.

Sd/-
Chief Justice

Sd/-
Judge

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