

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Con.Case(C).No. 768 of 2015 (S) IN OP(C).2966/2014

**AGAINST THE JUDGMENT IN OP(C) 2966/2015 of HIGH COURT OF KERALA
DATED 30-01-2015.**

PETITIONER :

**FR.JOLLY JOSEPH, AGED 48 YEARS,
S/O JOSEPH, ROSE DALE, KANJIRACODE,
MULAVANA VILLAGE, KOLLAM TALUK,
KOLLAM DISTRICT-691 501.**

BY ADV. FR.JOLLY JOSEPH (PARTY-IN-PERSON).

RESPONDENT(S):

**MRS. SONY, AGED 38 YEARS,
FATHERS NAME IS UNKNOWN TO THE PETITIONER,
ADDITIONAL MUNSIFF, KOLLAM - PIN : 691 013.**

BY GOVERNMENT PLEADER SRI.P.K.ABDUL RAHMAN.

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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A.HARIPRASAD, J.

Contempt Case (C) No.768 of 2015

Dated this the 9th day of July, 2015.

J U D G M E N T

Petitioner approached this Court with a petition seeking action against the Addl.Munsiff, Kollam under the provisions of the Contempt of Courts Act. Prayer reads thus :

"This Court may be pleased to initiate proceedings against the respondent under Sections 10, 11 , 12 and 16 of the Contempt of Court Act and punish her for having wilfully and deliberately disobeyed the positive directions of this Court."

2. This Court vide judgment dated 30-01-2015 disposed of the original petition giving directions to the court below while remitting the Commissioner's report. The complaint of the petitioner is that the learned Addl.Munsiff issued directions to the Commissioner to inspect the properties with reference to all the matters specified therein, except item No.09 which was

approved by this Court. The petitioner contended that the Munsiff is guilty of a contumacious conduct and is liable to be proceeded under the Contempt of Courts Act.

3. Notice was issued to the officer concerned through the Registry of this Court. The Officer was directed to submit a report in answer to the averments in the petition.

4. Perused the report dated 30-06-2015 submitted by the Officer. In the letter, the Munsiff has unconditionally admitted that there was an omission on her part to issue appropriate direction to the Commissioner to inspect the property and report with reference to matters delineated in the order of this Court. It is also mentioned by the Officer that after knowing about the mistake, she *suo motu* reviewed the matter and rectified the mistake crept in the order. It is also submitted that the Commissioner inspected the property and submitted a report on 27-06-2015.

5. The petitioner contended that the report does not contain the required details. However, that is a matter to be agitated by the petitioner before the appropriate forum and in appropriate proceedings. Taking note of the submissions in the letter of the learned Munsiff and also that the mistake has been rectified by taking recourse to legal steps, I find that no further action is necessary in this matter. Hence, contempt case is closed.

All pending interlocutory applications will stand dismissed.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

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