

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Con.Case(C).No. 1296 of 2013 (S) IN WP(C).4537/2007

PETITIONER(S):

**SRI.PRAVEEN C.P.,
CHERUKUNNUMMAL POOTHAKANDI, P.O.KUNNAMANGALAM,
KOZHIKODE.**

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT(S):

**SMT. VILASINI, AGE AND HUSBAND'S NAME NOT KNOWN TO THE
PETITIONER.
SUB REGISTRAR, O/O. THE SUB REGISTRAR, CHATHAMANGALAM,
P.O.CHATHAMANGALAM, NEAR R.E.C., KOZHIKODE DISTRICT.**

R BY SRI.SOJAN JAMES, GOVERNMENT PLEADER

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DG

Con.Case(C).No. 1296 of 2013

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-1: COPY OF THE ORDER PASSED IN W.P.4537/2007.

**ANNEXURE-2: COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED FROM
THE VILLAGE OFFICE.**

ANNEXURE-3: COPY OF THE NOTICE ISSUED TO THE RESPONDENT.

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

THOTTATHIL B.RADHAKRISHNAN, J.

Con.Case(C).No.1296 of 2013

Dated this the 26th day of November, 2015

ORDER

- 1.The petitioner obtained an order of status quo on the basis of an order for possession under the provisions of the SARFAESI Act. Later, that order was extended until further orders, however, without the extension order being intimated to the jurisdictional registering authority under the provisions of the Registration Act.

- 2.The respondent, who was the Registrar of the Sub Registrar Office, Chathamangalam, is sought to be charged with civil contempt on the premise that she issued a clearance certificate which was utilized for the purpose of transfer of properties. The respondent's affidavit shows the background of facts under which the respondent was not aware of the extension order.

One thing is certain; if a transfer has been effected in violation of interdicting orders issued by this Court, the natural consequences of such violation will necessarily follow as regards the transactions concerned. That need not necessarily invite any penal consequences either for civil contempt or criminal contempt in terms of the provisions of the Contempt of Courts Act. Though the transfer made in violation of interdicting orders may by itself vitiate the transfer, depending upon the applicable laws, that is not a matter to be considered in this Contempt of Court Case and has, therefore, to be left open for consideration in appropriate jurisdiction if and when raised, in accordance with law. Preserving such right of the petitioner, this case is only to be closed.

In the result, this COC is closed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE