

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Con.Case(C).No. 931 of 2014 (S) IN CRP.572/2013

AGAINST THE ORDER IN CRP 572/2013 of HIGH COURT OF KERALA DATED 08-10-2013

PETITIONERS:

1. KAMALA
W/O.LATE B.M.AITHAPPA, AGED 72 YEARS
RESIDING AT VAMANJOOR
B.MANJESHWAR VILLAGE,
POST MANJESHWAR-671323
2. RAJENDRA
S/O.LATE B.M.AITHAPPA,
AGED 54 YEARS, RESIDING AT VAMANJOOR
B.MANJESHWAR VILLAGE,
POST MANJESHWAR-671323
3. DAYANANDA
S/O.LATE B.M.AITHAPPA, AGED 51 YEARS
RESIDING AT VAMANJOOR
B MANJESHWAR VILLAGE,
POST MANJESHWAR-671323
4. CHANDRAVATHI(CHANDRAMATHI)
W/O.KUNHIRAMA, AGED 72 YEARS
RESIDING AT UDAYAVARA GUTHU, MANIJA
AMBEDKAR ROAD, P O MANJESHWAR-671323
5. ANITHA
D/O.KUNHIRAMA, AGED 55 YEARS
RESIDING AT UDAYAVARA GUTHU, MANIJA
AMBEDKAR ROAD, P O MANJESHWAR-671323
6. KUMARI SUJATHA
D/O.KUNHIRAMA, AGED 50 YEARS
RESIDING AT UDAYAVARA GUTHU
MANIJA, AMBEDKAR ROAD, P O MANJESHWAR-671323

BY ADVS.SRI.D.KRISHNA PRASAD
SMT.S.SANTHY
SMT.MINI V.MENON
SRI.P.VISHNU PRASAD

RESPONDENTS:

1. SHESHAPPA, AGED 65 YEARS
S/O.KANNA BELICHAPPADA,
RESIDING AT BAYAR KAIKAMBA
UPPALA VILLAGE AND POST, KASARAGOD TALUK, PIN-671324
2. BABU, AGED 62 YEARS
S/O.KANNA BELICHAPPADA,
RESIDING AT BAYAR KAIKAMBA
UPPALA VILLAGE AND POST, KASARAGOD TALUK, PIN-671324
3. JANAKI, AGED 57 YEARS
D/O.KANNA BELICHAPPADA,
RESIDING AT BAYAR KAIKAMBA
UPPALA VILLAGE AND POST, KASARAGOD TALUK, PIN-671324
4. ANANDA, AGED 54 YEARS
D/O.KANNA BELICHAPPADA,
RESIDING AT BAYAR KAIKAMBA
UPPALA VILLAGE AND POST, KASARAGOD TALUK, PIN-671324
5. YADAVA, AGED 49 YEARS
S/O.KANNA BELICHAPPADA,
RESIDING AT BAYAR KAIKAMBA
UPPALA VILLAGE AND POST, KASARAGOD TALUK, PIN-671324
6. KUMARI SUJATHA, AGED 45 YEARS
S/O.KANNA BELICHAPPADA,
RESIDING AT BAYAR KAIKAMBA
UPPALA VILLAGE AND POST, KASARAGOD TALUK, PIN-671324
7. SREEMATHI, AGED 45 YEARS
W/O.LATE NARAYANAN,
RESIDING AT NARAYANA NILAYA, SHANTHIPALLA
POST KUMBALA, 671321, KASARAGOD TALUK.
8. CHANDRAHASA, AGED 68 YEARS
S/O LATE NARAYANAN
RESIDING AT NARAYANA NILAYA, SHANTHIPALLA,
POST KUMBALA - 671321, KASARAGOD TALUK.
9. NALINI, AGED 44 YEARS
D/O.LATE NARAYANAN,
RESIDING AT NARAYANA NILAYA, SHANTHIPALLA
POST KUMBALA, 671321, KASARAGOD TALUK
10. MALLIKA, AGED 51 YEARS
D/O.LATE NARAYANAN,
RESIDING AT NARAYANA NILAYA, SHANTHIPALLA
POST KUMBALA, 671321, KASARAGOD TALUK
11. GANESHA ALIAS VINOD KUMAR, AGED 37 YEARS
D/O.LATE NARAYANAN,
S/O LATE NARAYANAN
RESIDING AT NARAYANA NILAYA, SHANTHIPALLA
POST KUMBALA, 671321, KASARAGOD TALUK

12. GANESHA K, AGED 36 YEARS
S/O.LATE NARAYANAN,
RESIDING AT NARAYANA NILAYA, SHANTHIPALLA
POST KUMBALA, 671321, KASARAGOD TALUK

13. SAJINA, AGED 51 YEARS
D/O.LATE SUJATHA,
RESIDING AT NARAYANA NILAYA, SHANTHIPALLA
POST KUMBALA, 671321, KASARAGOD TALUK.

R2 BY ADV. SRI.K.V.SOHAN
R2 BY ADV. SMT.SREEJA SOHAN.K.
R BY SRI.P.K.MUHAMMED

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS ANNEXURES

- ANNEXURE 1- TRUE COPY OF THE ORDER OF THIS HON'BLE COURT DTD 8.10.2013 IN CRP NO.572/2013
- ANNEXURE 2- TRUE COPY OF THE UNDERTAKING BY THE RESPONDENTS DTD 8.11.2013 IN EP NO.19/2012 ON THE FILE OF THE SUB COURT, KASARAGOD.
- ANNEXURE 3- TRUE COPY OF I.A.NO.3227/2013 IN CRP NO.572/2013 DTD 16.12.2013
- ANNEXURE 3(a)- TRUE COPY OF AFFIDAVIT FILED IN SUPPORT OF ANNEXURE 3 I.A. DTD 16.12.2013
- ANNEXURE 4- TRUE COPY OF THE ORDER DTD 19.12.2013 IN I.A. NO.3227/2013 IN CRP NO.572/2013
- ANNEXURE 5- TRUE COPY OF THE AFFIDAVIT OF THE RESPONDENT DTD 31.12.2013 IN EP NO.19/2012 ON THE FILE OF THE SUB COURT, KASARAGOD.
- ANNEXURE 6- TRUE COPY OF THE AFFIDAVIT DTD 22.5.2014 OF THE 2ND RESPONDENT IN EP NO.19/2012 ON THE FILE OF SUB COURT, KASARAGOD.
- ANNEXURE 7- TRUE COPY OF I.A.NO.1070/2014 IN CRP NO.572/2013 DTD 26.5.2014 FILED BY THE RESPONDENTS
- ANNEXURE 7(a)- TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF ANNEXURE7, I.A. DTD 26.5.2014
- ANNEXURE 8- TRUE COPY OF THE ORDER DTD 31.5.2014 IN I.A.NO.1070/2014 IN CRP 572/2013
- ANNEXURE 9- TRUE COPY OF EA NO.107/2014 IN EP NO.19/2012 IN OS NO.132 OF 1989 ON THE FILE OF THE SUB COURT, KASARAGOD.

RESPONDENTS ANNEXURES:

NIL

/TRUE COPY/

VPS

PS TO JUDGE

P.N.RAVINDRAN, J.

Contempt Case (C) No.931 of 2014

Dated this the 28th day of January, 2015

J U D G M E N T

This contempt case is filed alleging that the respondents herein have, in gross violation of the undertaking made and given by them in C.R.P. No.572 of 2013, willfully failed to surrender possession of the suit property in O.S.No.132 of 1989 on the file of the Court of the Subordinate Judge of Kasargod to the decree holders, in terms of the decree passed in the suit and as undertaken by them, on 31.12.2013.

2. When the contempt case came up for hearing today, Smt.K.Sreeja Sohan, learned counsel appearing for the respondents submitted that the respondents have surrendered possession of the suit property to the decree holders. Sri.D.Krishna Prasad, learned counsel appearing for the petitioners submitted that there was in fact no such surrender and that the execution court had in execution of the decree delivered over the suit property on 23.1.2015 to the petitioners. Whatever be the method by which the possession was delivered over to the petitioners, the fact remains that the petitioners are now in possession of the suit property in O.S.No.132 of 1989 on the file of the Court of the Subordinate Judge of Kasargod. Such being the situation, I am of the opinion that no further orders are called for in this contempt case. It is accordingly closed.

**P.N.RAVINDRAN,
(JUDGE)**