

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-06-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Contempt Petition No. 119 of 2015

1. S. Lakshmi
2. Suryanarayanan Kannan
3. Karpagam
4. Rajeswari .. Petitioners

Versus

1. Ramamurthy
2. AK. Tamil Mani .. Respondents

Petition filed under Section 11 of The Contempt of Courts Act praying to punish the respondents for having disobeyed and committed contempt of the order dated 19.11.2013 passed in CRP No. 3465 of 2013.

For Petitioners : Mr. K. Ravi Anantha Padmanaban
For Respondents : Mr. R. Sankarappan

ORDER

The petitioners have come forward with this contempt petition complaining non-compliance of the order dated 19.11.2013 passed by this Court in CRP No. 3465 of 2013. By the said order dated 19.11.2013, this Court, while declining to interfere with the order passed by the trial court directing the first respondent herein to vacate the petition mentioned premises, recorded the affidavit of undertaking filed by the first respondent herein to the effect that he would vacate the petition mentioned premises on or before

2. According to the petitioners, the first respondent herein has not complied with the order dated 19.11.2013 passed by this Court and failed to handover the vacant possession of the premises in question. In such circumstances, they have filed the present contempt petition.

3. When the contempt petition was taken up for hearing on 10.04.2015, this Court, directed the Registry to issue statutory notice to the first respondent. Subsequently, when the Contempt petition was taken up for hearing yesterday i.e., 03.06.2015, it was represented on behalf of the first respondent that the first respondent will appear before this Court today and he will also hand over the key of the petition mentioned premises to the petitioners.

4. Today, the first respondent appeared before this Court along with his counsel. The counsel for the petitioners is also present. Upon hearing the argument of counsel for both sides, this Court is of the view that the first respondent herein has deliberately flouted the order passed by this Court on 19.11.2013 in CRP No. 3465 of 2013. Even though he has filed an affidavit of undertaking to vacate the petition mentioned premises, he has not handed over the vacant possession of the premises. Only after the petitioners filed the present contempt petition did the first respondent handed over the key of the petition mentioned premises to the

petitioners.

5. The learned counsel for the petitioners would submit that they have received the key of the petition mentioned premises and they have also taken possession of the premises in question yesterday i.e., 03.06.2015. The said statement is recorded.

6. As far as the present contempt petition is concerned, this Court could only come to the conclusion that the non-compliance of the order passed by this Court by the first respondent is wilful and deliberate. In fact, it is brought to the notice of this Court by the learned counsel for the petitioners that the first respondent, instead of complying with the order passed by this Court, had set up a third person to file a civil suit in O.S. No. 42 of 2014 on the file of the District Munsif cum Judicial Magistrate, Valangaiman and obtained an order of injunction in I.A. No. 149 of 2014, thereby, he refused and neglected to comply with the order passed by this Court. It is also brought to the notice of this Court that the first respondent had withdrawn the said suit in O.S. No. 42 of 2014 yesterday i.e., 03.06.2015. This only shows that the first respondent has scant regard for the order passed by this Court and he attempted to circumvent the process of this Court. Therefore, this Court is of the view that the first respondent is liable to be punished for having

flouted the order passed by this Court.

7. During the course of hearing of this contempt petition, the first respondent tendered an unconditional apology and prayed to condone the delay in complying with the order passed by this Court. It is also stated that the first respondent is aged 60 years, suffering from various ailment associated with his age and therefore the learned counsel for the first respondent prayed to show some leniency towards him.

8. Even though this Court is inclined to prosecute the first respondent for having violated the order passed by this Court on 19.11.2013 in CRP No. 3465 of 2013, taking into consideration the fact that the first respondent is more than 60 years, sick and the fact that he had complied with the order passed by this Court belatedly, instead of passing an order to sentence the first respondent, interest of justice would be met if the first respondent is imposed with payment of costs. Accordingly, the first respondent, for having violated the order of this Court, is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) in favour of Tamil Nadu State Legal Services Authority, High Court, Madras to the credit of this contempt petition within a period of one week from the date of receipt of a copy of this order. In default to pay the amount, as ordered, Registry is directed to take necessary steps as are necessary to secure the presence of the

first respondent to undergo simple imprisonment for a period of one month.

9. The learned counsel for the petitioners would now submit that even though the first respondent had handed over the vacant possession of the property, he should not cause any disturbance or interfere with the possession of the petitioners either directly or indirectly. The learned counsel for the first respondent submits that the first respondent will not cause any disturbance or interfere with the possession of the petitioners in any manner. The said statement is recorded.

10. With the above direction, the contempt petition is closed. No costs.

rsh

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of जयते 2015.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

To

1.The Tamil Nadu State Legal Services Authority,
High Court, Madras.

2.Ramamurthy,
7/6, West Agraharam,
Valangaiman,
Kumbakonam District.