

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Contempt Petition Nos.1949 & 1950 of 2014
and

Application No.4352 of 2014

in

C.S.No.952 of 2010

Mrs.S.Vanith,
W/o.Mr.B.Soundararajan,
No.17, Raja Street Extension,
R.A.Puram, Mandaveli,
Chennai-28. Petitioner in both Cont.Ps
& A.No.4352/2014 & O.A.No.531 of 2014
/ Plaintiff

Vs.

1.Mrs.K.B.Dayavathi,
W/o.late Mr.K.B.Bangaruswamy,
No.49/1, Bheemasenna Garden Road,
Mylapore, Chennai-4.
2.Mr.K.B.Baburaj,
S/o. Late Mr.K.B.Bangaruswamy,
No.49/1, Bheemasenna Garden Road,
Mylapore, Chennai-4. ... Respondents in both Cont.Ps
& A.No.4352/2014
& O.A.No.531 of 2014
ç Defendants 1 & 2.

Contempt Petition No.1949 & 1950 of 2014 has been
filed under Section 11 of the Contempt of Court Act, 70/71
to punish the respondents for having committed contempt of
Court for disobeying the order dated 16.08.2011 made in
Application No.6671 & 6672 of 2010 in C.S.No.952 of 2010.

Application No.4352 of 2014 has been filed under Judge's summons under Order XIV Rule 8 of Original Side Rules r/w Section 151 of CPC, seeking to direct the Inspector of Police (Law and Order) E-1, Mylapore Police Station, Chennai, to provide police assistance to the applicant, while the applicant visits the schedule properties for contacting tenants therein and to pass such order or other orders.

Original Application No.531 of 2014 has been filed under XIV Rule 8 of Original Side Rules read with Order 39 Rules 1 & 2 of CPC praying to grant interim injunction against the respondents 1 & 2, their men, agents, servants, nominees or any other person authorized on their behalf from in any way preventing them from entering into or visiting the schedule properties and to contact tenants in occupation of the schedule properties for obtaining the particulars about their tenancies, rents, rental advance and security deposits paid by them to the respondents 1 & 2 etc.

COMMON ORDER

Today, when the matter is taken up for hearing, the learned counsel for the plaintiff as well as the learned counsel for the 1st defendant have filed a memo dated 18.02.2015, which reads as follows_

"1.The plaintiff and the 1st defendant submits that without prejudice to all contentions raised in the plaint and the written statement filed by them respectively in the above Suit, the plaintiff and the 1st defendant mutually agreed to the following terms:-

a)The 1st defendant being the Head of the family shall manage and maintain all the suit properties pending the disposal of the above suit.

b)The 1st defendant shall receive all incomes from the suit properties and maintain proper accounts of the same.

c)The plaintiff and other defendants are at liberty to inspect the accounts maintained by the 1st defendant periodically with prior notice to the 1st defendant.

d)Out of the incomes derived from the suit properties, the 1st defendant shall pay Property Tax, Water and Sewerage Tax, Electricity Charges, Maintenance Charges, other applicable charges and expenses for the suit properties payable from 01.01.2015 and maintain accounts for the same.

e)After defraying all the above said necessary expenses for the suit properties, the 1st defendant shall pay 1/5th share to the plaintiff, 1/5th share to the 2nd defendant, 1/5th share to the 3rd and 4th defendants jointly, 1/5th share to the 5th defendant and retain 1/5th share to the 1st

defendant on and from the month of January, 2015, month to month before 15th of every succeeding English calendar month. The above arrangement shall be applicable till the disposal of the suit.

f) Pending the suit, the plaintiff and the other defendants shall not disturb or interfere with the management, possession and enjoyment of the suit properties by the 1st defendant till the disposal of the suit provided the accounts are maintained satisfactorily and the payments made regularly and all the parties including the 1st defendant shall abide by the outcome of the suit.

g) All the suit properties shall be under the control and maintenance of the 1st defendant till the disposal of the suit.

The above said memo has been signed by the plaintiff and the 1st respondent and their respective counsel.

2. The learned counsel for the applicant has also submitted that he may be permitted to withdraw the above application and Original Application and to that effect he has also made endorsement of withdrawal. Further, the learned counsel appearing for the respective parties also made a representation that in view of the above said memo filed by the plaintiff as well as the 1st defendant, the above Contempt Petitions may be closed.

3.Hence, the Memo dated 18.02.2015 filed by the plaintiff and the 1st defendant is recorded. In view of the said memo and the submissions made by the learned counsel on either side, the above contempt petitions are closed. Similarly, Application No.4352 of 2014 and Original Application No.531 of 2014 are dismissed as withdrawn.

Registry is directed to post the main suit for framing issues.

ssv

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 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.

SS/CO/29/07/2015

One CC to Mr.N.Nagusah, Advocate, SR.2471

One CC to Mr.R.Subramanian, Advocate, SR.2929

One CC to Mr.N.Nithyanandham, Advocate, SR.2370

To

1.The Sub Assistant Registrar,
Original Side,
High Court, Madras 104.

2.The Section Officer,
Drafting Section,
Original Side,
High Court, Madras 104.