

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.C.No.1324 of 2014

Date : 12-3-2015

Between :

Pediredla Krishnaveni ..
Petitioner

And

Pediredla Venkatalakshmi ..
Respondent

Counsel for petitioner : Mr. G. Rama Gopal

Counsel for respondent : Ms. M.S.V.S. Sudha Rani for
Mr. V.S.R. Anjaneyulu

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The Court made the following:

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ORDER:

This Contempt Case is filed under Order XXXIX Rule 2-A CPC and also under the provisions of the Contempt of Courts Act 1971 for punishing the respondent for violation of order dated 22-9-2006 in ASMP No.1764 of 2006 in A.S.No.508 of 2006.

I have heard the learned counsel for both the parties and perused the record.

By the above mentioned order in ASMP No.1764 of 2006, this court has granted ad interim injunction against the respondent from alienating or altering the nature of the plaint A-Schedule property pending the application. In this Contempt Case, the petitioner alleged that in disobedience of the said order, the respondent has removed the existing shed and raised a three storeyed structure. The respondent filed a counter-affidavit wherein she has denied willful disobedience of the order of this Court. She has however stated that the premises was rented out to the Visakha District Association for the Deaf and Dumb for running its office in the first floor portion of the building and for accommodating the deaf and dumb children in the rest of the building; that the parapet walls have become weak and the building needed repairs and that in order to protect the deaf and dumb children, the respondent has carried out only

repair work without altering the nature of the property.

In support of the plea of the petitioner that the respondent has altered the existing structure by raising new structure, she has filed photographs. On perusal of the photographs, I am of the prima facie opinion that the respondent has altered the nature of the property. However, considering the fact that the respondent has raised a pucca structure in place of a shed, which may enure to the benefit of the petitioner herself in the event of her success in the appeal, I take a lenient view of the action of the respondent. In the event of success in the appeal by the petitioner, the respondent shall not claim any equity whatsoever in respect of the structure raised by her.

Subject to the above observation, the Contempt Case is closed.

As a sequel to the disposal of the Contempt Case, Application No.748 of 2014 is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 12-3-2015

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