

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

CONTEMPT CASE No.1328 of 2014

ORDER:

This contempt case has been filed by petitioner herein alleging that respondent has not complied with the direction contained in the order dt.05-03-2014 in A.S.M.P.No.265 of 2014 in A.S.No.1355 of 2000 to handover possession of the subject property to petitioner.

2. In the counter affidavit filed by respondent to this application, this fact is not denied. No valid reason is furnished by respondent why he did not comply with the above order.

3. However, it is sought to be contended that there was compliance with the order dt.11-02-2011 passed in A.S.M.P.No.2611 of 2010 in A.S.No.1355 of 2000 by respondent. Under the said order, the respondent was directed to deposit a sum of Rs.15,000/- per annum before 31st January of each year w.e.f. 2011 and it was further directed that the deposit shall be made for the year 2011 before 31-03-2011. In the counter affidavit filed by respondent herein, in para-4, he has stated that for the year 2012, a sum of Rs.15,000/- was

deposited on 01-02-2012 and that for the year 2013, the deposit was made on 26-02-2013. It is also admitted that for the year 2014, the deposit of Rs.15,000/- was not at all made. In this view of the matter, it is clear that he has not complied with the order dt.11-02-2011 in A.S.M.P.No.2611 of 2010 in A.S.No.1355 of 2000 before 31st January of that particular year as directed by this Court in the order dt.11-02-2011 in A.S.M.P.No.2611 of 2010 in A.S.No.1355 of 2000.

4. The above facts illustrate that respondent has no respect for the orders passed by this Court since he has not complied with the order dt.11-02-2011 in A.S.M.P.No.2611 of 2010 in A.S.No.1355 of 2000 and has also not complied with the order dt.05-03-2014 in A.S.M.P.No.265 of 2014 in said appeal.

5. Therefore, I am of the opinion that respondent has clearly and deliberately violated the orders dt.05-03-2014 in A.S.M.P.No.265 of 2014 in A.S.No.1355 of 2000. I am also of the opinion that such non-compliance is willful and cannot be countenanced. So he is liable to be punished under Section 12 of the Contempt of Courts Act.

6. Therefore, the Contempt Case is allowed and respondent is sentenced to simple imprisonment for

three (03) months along with a fine of Rs.2,000/- (Rupees Two Thousand only). No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-02-2015

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