

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) Nos.4444 and 4445 of 2015

The Vellore Radio House
a registered Partnership Firm,
rep. By its Partners

1. Susan Tharakan

2. John Tharakan

D.No.4/2, Rangaraj Mansions
(Raja Theatre Building)

Officers' Line,

Vellore 632 001

.. Petitioner in CRP(PD)No.4444/15

S.Krishnamurthy

.. Petitioner in CRP(PD)No.4445/15

versus

1. V.Ravichandran

M/s Oscar Films Private Limited

No.29, 10th Avenue,

Ashok Nagar, Chennai 83.

2. V.Sekar @ Dhanasekar

Manager, Raja Theatre

Rnagaraj Mansions

(Raja Theatre Building)

Officers' Line,

Vellore 632 001

...Respondents

Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order dated 07.08.2015 passed in I.A.Nos.1149 and 1150 of 2014 (for contempt) in I.A.Nos.18 and 19 of 2012 respectively in O.S.No.09 of 2012 on the file of the Principal District Munsif, Vellore.

For Petitioners : Ms.A.U.Illango

For Respondents : Mr.R.Venkatesh
COMMON ORDER

The petitioners filed applications in I.A.Nos.1149 and 1150 of 2014 before the Principal District Munsif Court at Vellore to take action against the respondents for contempt on account of violation of the interim orders granted in I.A.Nos.18 and 19 of 2012. The applications were taken up by the learned Judge for consideration along with other applications. The Trial Court was of the view that the damages caused to the building by violating the order passed by the Court could be assessed on the basis of the report submitted by the Advocate Commissioner. After saying so, the trial Court dismissed the applications for contempt filed in I.A.Nos.1149 and 1150 of 2015. Aggrieved by the order, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The petitioners filed applications in I.A.Nos.1149 and 1150 of 2014 alleging that the respondents committed acts of contempt. According to the petitioners, the interim orders granted by the trial Court were flouted by the respondents and therefore, action should be taken against them.

4. The trial Court was of the view that already a Commissioner was appointed and as such the allegations regarding damages caused to the building could be decided only after filing report by the Commissioner. The Court was perfectly correct in making such an observation.

5. The next step taken by the Court appears to be the reason for filing the Civil Revision Petitions. Having said that the Commissioner would file the report as to the damage caused to the building, the trial Court dismissed the applications filed by the petitioners for contempt. I am not in a position to agree with the course adopted by the learned Judge in deciding the applications in I.A.Nos.1149 and 1150 of 2014. The trial Judge was not correct in dismissing the applications, pending further proceedings pursuant to the appointment of Advocate Commissioner. The Court, should have waited till the report is filed by the Advocate Commissioner to decide the applications in I.A.Nos.1149 and 1150 of 2014. I am therefore of the view that the orders dated 07.08.2015 are liable to be set aside.

6. In the result, the orders dated 07.08.2015 passed in I.A.Nos.1149 and 1150 of 2014 are set aside. The applications in

I.A.Nos.1149 and 1150 of 2014 are restored to file.

K.K.SASIDHARAN,J

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7. The learned District Munsif Court, Vellore is directed to decide the applications in I.A.Nos.1149 and 1150 of 2014 on merits and as per law. In case the Court wanted to place reliance on the report of the Advocate Commissioner, necessarily, opportunity should be given to the petitioners and respondents to submit their response. The applications shall be disposed of as expeditiously as possible, and in any case, within a period of two months from the date of receipt of a copy of this order.

The Civil Revision Petitions are allowed to the extent as indicated above. No costs.

11.11.2016

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Note: Issue on 17.11.2016

To

Principal District Munsif, Vellore.

CRP (PD) Nos.4444 and 4445 of 2015

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