

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.2247 of 2015

18.11.2016

Between:

Salla Sathyamma and another

..Petitioners

And

Salla Ramulu and another

..Respondents

Counsel for the petitioners: Mr.M.D.Mohapatra

Counsel for the respondents: Mr.O.Manohar Reddy

The Court made the following:



ORDER:

This contempt case is filed alleging willful disobedience of the order, dated 25.07.2014, in C.M.A.M.P.No.855 of 2014 in C.M.A.No.586 of 2014.

2. In the aforementioned order, this Court, while declining to grant interim relief in the application filed for *ad* interim injunction restraining the respondents from interfering with the petitioners' peaceful possession and enjoyment of the schedule property, however, recorded the statement of Mr.P.Damodar Reddy, learned counsel representing Mr.O.Manohar Reddy, learned counsel for the respondents, that their clients have not been proposing any construction over the cellar area.

3. In the contempt case, the petitioners alleged that the respondents have raised construction in the cellar area and been running a lodge. In the counter-affidavit filed on behalf of the respondents, it is, *inter alia*, stated that the cellar area is exclusively allotted to the mother of the respondents and she was letting out the premises; that after execution of the gift deed, the respondents are in exclusive possession of the property and that they have been putting beds in the cellar area and letting them out to the general public as was being done even prior to the passing of the order by this Court. It is further averred that no construction has been made by the respondents in the cellar area, after the undertaking was given to this Court.

4. Except filing certain photographs, the petitioners have not filed any material in support of their averment that after this Court passed the order on 25.07.2014, the respondents have raised any construction in the cellar area. If the respondents have been putting the constructions

already in existence in the cellar area to use, such an act does not constitute contempt of the order, dated 25.07.2014.

5. In the above view of the matter, I do not find any merit in this Contempt Case and the same is, accordingly, dismissed.

6. As a sequel to dismissal of the contempt case, Contempt Application No.345 of 2016 filed by the petitioners for receiving the additional material papers shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

18th November, 2016
GHN

