

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CONTEMPT CASE No.668 OF 2016

ORDER:

This contempt case is filed under Sections 10 to 12 of Contempt of Courts Act, 1971 (for short, 'the Act') to punish the respondent for his willful and deliberate disobedience of the order dated 30.08.2013 in S.A.M.P. No.2110 of 2013 in S.A. No.810 of 2013.

It is alleged that the petitioner herein filed suit O.S. No.214 of 2000 on the file of the Court of IV Additional Junior Civil Judge, Kadapa, seeking declaration of his title over the suit schedule property, and, for mandatory injunction, for removing the shed erected by the respondent-contemnor herein and for perpetual injunction.

On contest, the suit was decreed and later first appeal was ended in dismissal affirming the Decree passed by the trial court in favour of the petitioner herein in A.S. No.54 of 2010 on the file of the Court of Principal District Judge, Kadapa, by Decree dated 10.04.2013, later the respondent herein carried the matter in second appeal and obtained an interim order dated 30.08.2013 and this Court was pleased to pass the following order:

“There shall be interim stay as prayed for.

Notice.”

At this stage, it is relevant to advert to the relief claimed in SA MP No.2110 of 2013 in S.A. No.810 of 2013, the respondent/contemnor herein filed a petition under Section 151 of CPC seeking stay of operation of Judgment and Decree in O.S. No.214 of 2000 on the file of the Court of IV Additional Junior Civil Judge, Kadapa,

- 2 -

dated 30.03.2010, and as confirmed by the appellate court in A.S. No.54 of 2010, by Decree dated 10.04.2013 pending second appeal.

Thus, the respondent-contemnor sought for stay of execution and this Court was pleased to pass an interim stay, while ordering notice against the petitioner herein, from executing the decree passed in O.S. No.214 of 2000 which was affirmed by the appellate court in A.S. No.54 of 2010.

There is no direction against the respondent-contemnor herein from doing any act and thereby violation of interim order dated 30.08.2013 due to raising of construction by him does not arise. Consequently, I find no *prima facie* contempt against him, more particularly, willful disobedience of the interim order dated 30.08.2013 passed by this Court in S.A.M.P. No.2110 of 2013 in S.A. No.810 of 2013

Accordingly, the Contempt case is dismissed at the stage of admission. No costs.

Miscellaneous petitions, if any, pending in the contempt case, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 27.09.2016
BV