

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.10.2017

CORAM

**THE HONOURABLE MR. JUSTICE S.MANIKUMAR
AND
THE HONOURABLE MR. JUSTICE M.GOVINDARAJ**

Cont.P.No.1521 of 2017

S.Shanmuganathan,
Flat No.6, Majestic Park Apartment,
No.48, Muthu Kumarappa Street,
Rajesh Avenue, Saligramam,
Chennai - 600 093. ... Petitioner

Versus

1. Mr.S.Ramachandran,
S/o.Sankaran,
Chief Manager,
(Authorised Officer/
Constituted Attorney)
Indian Overseas Bank,
ARM Branch, Central Office Building,
Canteen Block, No.763, Anna Salai,
Chennai 600 002.
2. Mrs.Durgadevi,
Assistant General Manager,
Indian Overseas Bank,
No.177, Luz Church Road,
Mylapore Branch, Mylapore,
Chennai 600 004. ... Respondents

Prayer: This Contempt Petition filed under Section 11 of the Contempt of Court Act, 70/71 to punish the respondents for having committed contempt of Court for disobeying the order, dated 28.04.2017, made in W.P.No.39199 of 2016.

For Petitioner

: Mr.R.Natarajan

For Respondents

: Mr.F.B.Benjamin George

ORDER

(Order of this Court was delivered by **S.MANIKUMAR, J.**)

While allowing W.P.No.39199 of 2016, dated 28.04.2017, we directed the Authorized Officer, Indian Overseas Bank, Asset Recovery Management Branch, Chennai, respondent herein, to refund the sale consideration of Rs.62,00,000/- (Rupees Sixty Two Lakhs Only), to the writ petitioner, with interest at the rate of 12% per annum, calculated from 24.07.2008, within a period of four weeks, from the date of receipt of passing of the order and that the Bank was also given liberty to cancel the sale certificate. Alleging that there was wilful disobedience of the abovesaid order, instant contempt petition has been filed.

2. Responding to the private notice on 21.06.2017, Mr.F.B.Benjamin George, learned counsel for the respondent-Bank submitted that the Bank intended to prefer Special Leave Petition. We directed the matter to be listed on 09.10.2017.

3. Today, when the matter came up for hearing, Mr.R.Natarajan, learned counsel appearing for the petitioner and Mr.F.B.Benjamin George, learned counsel for the respondent-Bank submitted that SLP(C)No.20451 of 2017, ~~was filed by the Bank, as against the order made in W.P.No.39199 of 2016, dated 28.04.2017, has been dismissed,~~

by the Hon'ble Apex Court on 25.08.2017 and pursuant to the same, by enclosing a letter, dated 21.09.2017, a Demand Draft No.980071897, dated 21.09.2017, for Rs.1,30,20,000/-, has been sent.

4. Both the learned counsel appearing for the parties submitted that the said demand draft has been acknowledged.

5. Supporting the above averments, the Authorized Officer, Indian Overseas Bank, Asset Recovery Management Branch, Chennai, has filed a memo, dated 09.10.2017, enclosing a copy of the communication, dated 21.09.2017, stated supra. The above shall be treated as part of the record. As the order made in W.P.No.39199 of 2016, dated 28.04.2017, has been complied, this contempt petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR (COM.CASES)

skm

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GSR/CO/27/12/2017

one cc to the Mr.F.B.Benjamin George, SR.No.11918/2017.

one cc to the Mr.R.Natarajan, SR.No.11729/2017.