

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21..09..2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Contempt Petition No.2359 of 2016

Nabeela Ahmed

... Petitioner / Respondent

-Versus-

1.Habeebunissa

2.Ashfaq Ahmed

... Contemnors / Respondents

3. Ahethaysham Ahmed

... Contemnor / Third Party

Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the respondent for having willfully disobeyed the order of this court dated 28.04.2015 made in CrI.O.P.No.3935 of 2014 and the subsequent order dated 12.08.2015 made in CrI.M.P.No.2 of 2015 modifying the earlier order.

For Petitioner : Mr.P.Suresh

For Respondents : Mr.R.Sami for R1 and R2

WEB ORDER COPY

This contempt petition is filed seeking to punish the respondents for having willfully disobeyed the order of this court dated 28.04.2015 made in CrI.O.P.No.3935 of 2014 and the subsequent order dated 12.08.2015 made in CrI.M.P.No.2 of 2015 modifying the

earlier order dated 28.04.2015.

2. On 21.08.2017, this court passed the following order:-

"On 18.07.2017, this Court passed the following order:

"By order dated 23.02.2017, this Court had dispensed with the presence of Mr. Ahethaysham Ahmed before this Court. However, Ahethaysham Ahmed has filed a memo before the Metropolitan Magistrate Mahila Court, Egmore, Chennai in C.C. No.3338 of 2013, as if this Court has dispensed with his personal appearance before the said Magistrate.

In view of the above, Ahethaysham Ahmed is directed to be present before this Court on 21.08.2017.

Post on 21.08.2017."

2. Today, Mr. R. Sami, learned counsel for Ahethaysham Ahmed has filed an affidavit dated 18.08.2017, in which, it is stated that the counsel had misconstrued the order dated 23.02.2017 and had told Ahethaysham Ahmed that his presence before the Mahila Court, Egmore, Chennai in C.C. No.3338 of 2013 has been dispensed with, instead of telling him that his presence in the contempt petition has been dispensed with and owing to this miscommunication, memo in C.C. No.3338 of 2013 came to be filed.

3. The learned counsel for Ahethaysham Ahmed further submitted that Ahethaysham Ahmed is in the USA and is physically indisposed and he would appear before this Court any day after 15th September 2017. He further submitted that in C.C. No.3338 of 2013 before the Mahila Court, Egmore, Chennai, a petition under Section 317 Cr.P.C. is being filed

for further hearing and the learned Magistrate has also been informed about the mistake that was committed by filing the said memo.

4. Accepting the submission made by the learned counsel for Ahethaysham Ahmed, the matter stands adjourned to 21.09.2017.
Post on 21.09.2017.

3. Today, Shri. Ahethasham Ahmed is present in court. His presence is recorded.

3. In view of the above, this contempt petition is closed leaving it open to the parties to work out their remedies in the manner known to law before the appropriate forums.

SD/-

ASSISTANT REGISTRAR (O.S.I)

KMK

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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



WEB COPY



WEB COPY