

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Contempt Case No.2020 of 2016

Date: 06.01.2017

Between:

Smt.B.Rajani Pillai

... Petitioner

and

The Authorized Officer at present
Mr.Rabishankar Mishra
M/s.Vijaya Bank
Vijaya Nagar Colony Branch,
Hyderabad.

...Respondent

Counsel for the Petitioner: Mrs.PK.Kalyani

Counsel for the respondent: Mr.E.Madan Mohan Rao

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Contempt Case is filed alleging willful disobedience of Order, dated 21-07-2016, in WP.No.12567 of 2016, by the respondent.

We have heard the learned Counsel for both the parties and perused the record.

By the afore-mentioned order, this Court has permitted the petitioner to approach the respondent with a written representation expressing her readiness and willingness to repay the entire loan amount along with interest sanctioned and paid to respondent Nos.2 and 3 under Education Loan Account No.SL/EDU/24002 and within two weeks of receipt of such representation, the respondent was directed to prepare proper account and inform the amount due under the said Education Loan Account to the petitioner. This Court has further directed that within two weeks of receipt of payment from the petitioner, the respondent shall release the title deeds to her.

In this Contempt Case, the petitioner alleged that though as many as two notices were issued to the

respondent, the latest being dated 26-08-2016, he has not prepared proper account and communicated the same to the petitioner.

In the counter-affidavit filed in the form of reply, the respondent *inter alia* averred that though the notice sent by the petitioner's lawyer appeared to have been received by one of the employees of the Vijay Nagar Colony Branch, the respondent was not shown the said notice and that, as such, he could not take any action. He has further stated that on receipt of the notice in the Contempt Case, he has complied with the order of this Court by enclosing statement of accounts to the letters addressed to the petitioner and that if the petitioner pays the entire loan amount, the documents deposited by her will be released as per the direction of this Court. The respondent has also tendered unconditional apology for the delay in complying with this Court's order.

At the hearing, the Contemnor is present.

The learned Counsel for the petitioner admitted that after filing of the Contempt Case, the contemnor has

furnished the statement of account on 08-12-2016 *i.e.*, after receipt of notice in the Contempt Case.

Having regard to the undertaking given by the contemnor that he would release the documents deposited by the petitioner to her on receipt of the entire loan amount, the cause in the Contempt Case does not survive for adjudication.

The Contempt Case is, accordingly, closed and the contemnor is discharged from the contempt proceedings.



(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 6th January, 2017
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