



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

CONT.P.No.1584 of 2018

1. B.Saravanan
2. S.Vijaya .. Petitioners

Versus

S. Muthu .. Respondent

Contempt petition filed under section 11 of the Contempt of Courts Act to punish the respondent for willfully disobeying the order of this Court dated 20.12.2013 in S.A.No.127 of 2008.

For Petitioners : Mr.S.Makesh

O R D E R

This Contempt Petition has been filed seeking to punish the respondent for willfully disobeying the order of this Court dated 20.12.2013 in S.A.No.127 of 2008.

2. The learned counsel for the petitioners has made an endorsement that he is withdrawing the contempt petition as not maintainable.

3. This Court in the Second Appeal had granted a decree in
<https://hcservices.ecourts.gov.in/hcservices/>
favour of the respondent/plaintiff only with the half share of



the suit property. It is now the case of the contempt petitioners that the respondent/plaintiff trying to disturb the other half share also. Hence, the contempt petition is filed.

4. The positive direction viz., decree is granted by this Court in favour of the plaintiff. The defendant/contempt petitioner is restrained by the decree from interfering with the peaceful possession of the plaintiff. If the plaintiff is disturbing the possession of the defendant, it is open to him to take appropriate action in a manner known to law based on the cause of action. They cannot maintain a contempt petition for disobedience of the decree, as the same is not maintainable at the instance of the defendant.

5. Hence, the contempt petition is dismissed as not maintainable.

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

rsi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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