

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.546 of 2018

T.Ravikumar

..Petitioner

Vs.

1. Mr.Sunil Paliwal, I.A.S.
Rep by its Secretary
Education Department
Fort St. George, Chennai - 600 009.

2. Mr.R.Elangovan
The Director of School Education
Chennai - 600 009.

3. Ms.J.Manjula
The Director of College Education
Chennai - 600 006.

4. Mr.Bramanantha Perumal
The Principal, Presidency College
Chennai - 600 005.

... Respondents

PRAYER This Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents 1 to 4 for their willful disobedience for not complying with the orders of this Hon'ble Court in W.M.P.No.37891 & 37892 of 2017 in W.P.No.34134 of 2017 dated 02.02.2018.

For Petitioner : Mr.N.Beulah John Selvaraj

For Respondents : Mr.P.H.Aravind Pandian
Additional Advocate General
Assisted by
Mrs.P.Rajalakshmi
Addl Government Pleader

O R D E R

The present contempt application is filed against the interim order passed by this court on 29th December 2017 in W.M.P.Nos.37891 & 37892 of 2017 in W.P.No.34134 of 2017.

2.The interim order was granted mainly on the ground that the respondents in the writ petition remained *exparte* and the suit filed by the petitioner came to be decreed in favour of the petitioner. As such, the respondents are bound by the civil court decree. However, now it is brought to the notice of this court that the respondents are not parties in the civil court decree and there was no effective adjudication of the issues before the civil court.

3.Further, the father of the writ petitioner is alone the defendant in the civil court proceedings and the defendant remained *exparte*. Thus, it is an *exparte* decree obtained before the civil court without impleading the necessary parties. This being the factum established before this court and further, the writ petition itself was considered by this court and final order was passed dismissing the claim of the writ petitioner. Hence, the contempt petition need not be proceeded with further.

4. Accordingly, the contempt petition stands closed. No costs.

SD/
ASSISTANT REGISTRAR (Commr. Cases)
maya

//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.

CO/06/06/2018.

To.

- 1 The Rep by its Secretary
Education Department
Fort St. George, Chennai - 600 009.
2. The Director of School Education
Chennai - 600 009.
3. The Director of College Education
Chennai - 600 006.
4. The Principal, Presidency College
Chennai - 600 005.

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