

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Contempt Petition No.828 of 2018

S.Jaya Petitioner

-vs-

N.Nagarathinam Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for her wilful disobedience of the judgement and decree dated 20.12.2016 made in A.S.No.400 of 2007 passed by this Court.

For Petitioner : Mr.N.Manokaran

O R D E R

Complaining that the respondent has not complied with the decree granted by the trial Court, which was modified by this Court in A.S.No.400 of 2007, the above Contempt Petition has been filed.

2. Heard Mr.N.Manokaran, learned counsel appearing for the petitioner.

3. The decree in A.S.No.400 of 2007 was a decree for specific performance and it is stated by the counsel for

the petitioner that the decree has been confirmed by the Honourable Supreme Court and the Executing Court has ordered delivery in the Execution Proceedings. In the contempt, it is alleged that despite the delivery having been ordered by the Executing Court, the respondent is proceeding with the construction.

4. I do not think that the said action of the respondent would amount to contempt of Court. It is open to the petitioner to execute the decree and take possession of the property.

5. In view of the above, this Contempt Petition is dismissed.

SD/
ASSISTANT REGISTRAR (Commr.Cases)
sl

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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CO/03/07/2018.

One CC to Mr.N.Manokaram, Advocate, SR.7537.

To.

N.Nagarathinam
No.2 Sri Bhavani Nagar, Perambur,
Maraimalai Nagar Municipality,
Chengalpattu,
Kancheepuram District.