

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cont.P.No.738 of 2018

V.Ramakrishnan ... Petitioner

Vs.

Mr.C.Vadivel,
The Executive Engineer,
Special Division - II,
TNBH, Sivananda Colony,
Coimbatore - 641 005. ... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of the Courts Act praying to issue summon and punish the respondent for their act of contempt of Court for deliberately disobeyed the order passed in the W.P.No.5986 of 2013 dated 11.11.2016 by this Honourable Court.

For Petitioner : Mr.K.Balaji
For Respondent : Mr.B.Arulmozhimaran
Government Advocate
(Crl. Side)

ORDER

On the strength of judgment and decree passed in O.S.No.528 of 2013, this Court had directed the respondent herein to execute the sale deed in favour of the

petitioner. In view of the non compliance of the observation made by this Court, the contempt petition has been filed.

2. Today, when the matter is called, the learned Standing Counsel appearing for the respondent submitted that as against the exparte judgment and decree, the respondent has filed an application to set aside the exparte decree before the Civil Court and the same is pending. He further submitted that they have been served with the copy of an application by the wife of the original allottee, who was also a party to the suit proceedings seeking to set aside the exparte decree. Since rival claimant and the respondent board have also filed the applications to set aside the exparte decree, taking note of the fact, that it may take some time for the said applications to be decided, I do not intend to keep the contempt petition pending till a finality is arrived in the civil proceedings.

3. With the above observations, the Contempt Petition stands closed. However, the petitioner is granted liberty to file a fresh contempt petition if he is of the view that

he had succeeded in the civil proceedings and that willful disobedience still continues.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

dh

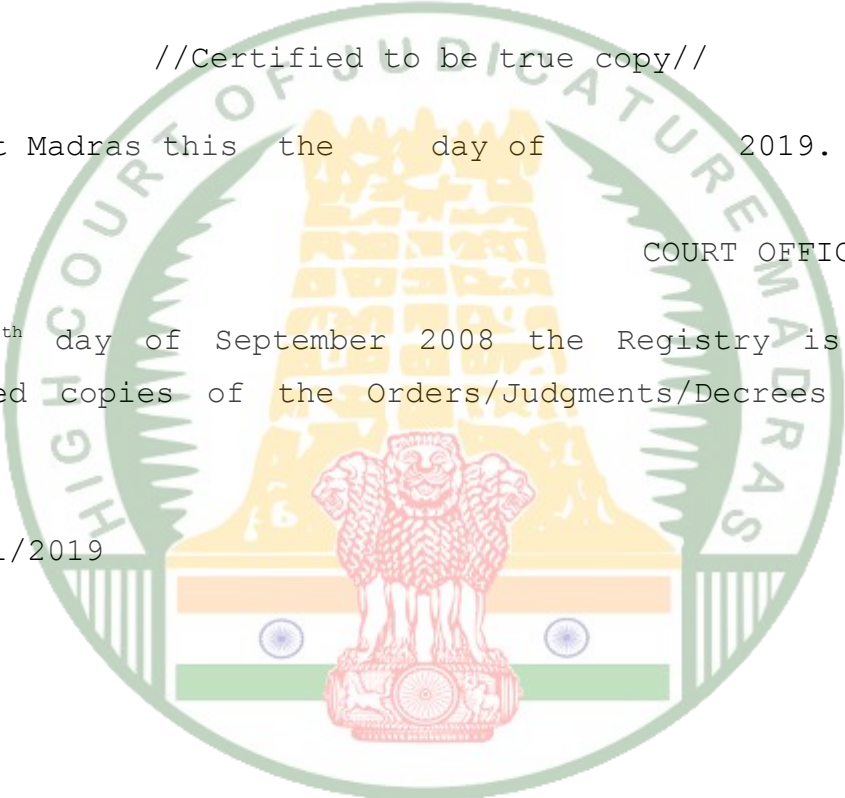
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Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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PS/23/01/2019

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes, with the Ashoka Chakra in the center. The words "HIG COURT OF JUDICATURE MADRAS" are written in a circular border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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