

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

C.C. Nos. 68 and 225 of 2018

COMMON ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

Inasmuch as the question of fact and law and the parties in these two contempt cases are one and the same, these matters are taken up together for disposal by this Common Order.

While C.C.No. 68 of 2018 is filed against the willful disobedience on the part of the respondents in complying with the Common Judgment dated 21.04.2017 in C.M.A.No.415 of 2017, C.C.No. 225 of 2018 is filed for the same reason in respect of the very same judgment delivered by this Court in C.M.A.No.416 of 2017.

The 2nd respondent has filed counter affidavit stating that he was informed by his counsel that this Court disposed of C.M.A.Nos.415 and 416 of 2017 on 21.04.2017. As there was communication gap between him and his counsel, he could not know the exact text of the judgment as the copy thereof has not been received from his counsel. It is submitted that in the routine course of his business, the 2nd respondent sold three flats after the common judgment dated 21.04.2017 was delivered and it is neither willful nor wanton but only due to communication gap between him and

his counsel. Therefore, the 2nd respondent, while seeking unconditional apology, submits that after coming to know about the exact text of the judgment of this Court, immediately on 09.03.2018, he deposited the entire sale consideration received under three sale deeds in two different Fixed Deposits for Rs.67.00 lakhs pertaining to Flat Nos.515 and 214 and an amount of Rs.23,53,000/- pertaining to Flat No.106.

In view of the above facts narrated by the 2nd respondent and also the undertaking given by him that he will deposit the sale consideration with the trial Court, we hereby accept his apology.

Since the Fixed Deposits are in the name of the 2nd respondent, we hereby direct him to encash those Fixed Deposits and on receipt of the amount, he shall deposit the same with the trial Court in O.S.No. 1258 of 2013 with interest already accrued thereon within a period of one week. This amount will be subject to the outcome in O.S.No. 1258 of 2013 which is pending adjudication.

In view of the above, these Contempt Cases are closed.
No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

08.06.2018

SURESH KUMAR KAIT, J

bcj

U. DURGA PRASAD RAO, J