

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**  
**AND**  
**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**CONTEMPT CASE No.1948 of 2017**

Date: 14.03.2018

**Between:**

Pillala Yellamma, W/o. Babaji,  
Vizianagaram District, and another.

**..... Petitioners**

**And:**

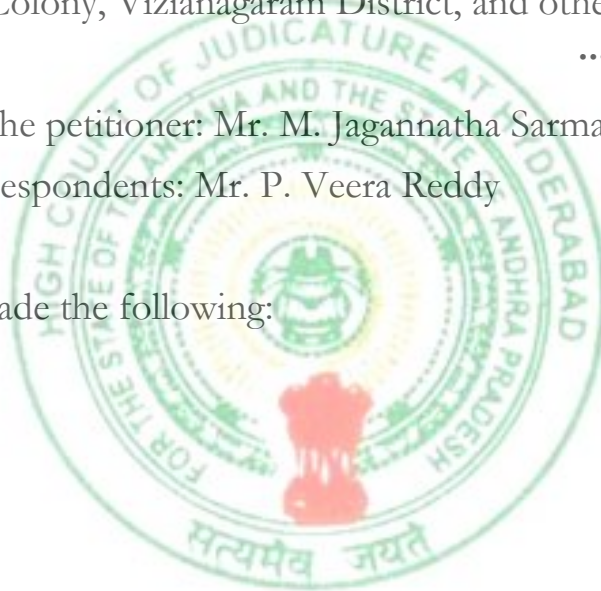
Nadipilli Rajyalakshmi, W/o. Appalaraju,  
Alakananda Colony, Vizianagaram District, and others.

**.....Respondents**

Counsel for the petitioner: Mr. M. Jagannatha Sarma

Counsel for respondents: Mr. P. Veera Reddy

The Court made the following:



**ORDER:** (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Contempt Case is filed alleging wilful disobedience of order, dated 08.12.2006, in W.A.No.1283 of 2006 and W.A.M.P.No.2702 of 2006.

We have heard learned counsel for both parties and perused the record.

There is a serious dispute over certain immovable properties. The petitioners herein filed W.P.No.18147 of 2006 assailing proceedings, dated 25.06.2006, of the Joint Collector, Vizianagaram, and consequential proceedings, dated 07.07.2006, of the Mandal Revenue Officer, Vizianagaram, making entries in Record of Rights and issue of pattadar pass books and title deeds in favour of the fourth respondent in the writ petition, Sri Panchadi Krishna Papa Rao. By an order dated 20.11.2006, the learned Single Judge has granted interim suspension of the aforementioned orders impugned in the writ petition.

Feeling aggrieved thereby, respondents 6 to 13 in the writ petition filed W.A.No.1283 of 2006. A Division Bench of this Court allowed the appeal and modified the order of the learned Single Judge by directing the parties to maintain *status quo* in respect of the disputed property prevailing as on the date of disposal of the writ appeal.

The writ petitioners, who were respondents 1 and 2 in the writ appeal, filed the present Contempt Case alleging that despite the order of *status quo*, initially the respondents herein along with Nadipilli Appalaraju and Nadipilli Anjaneyulu, who are no more, committed the first contempt by mortgaging the property in question to IDBI Bank Limited and the second one by selling the plots by way of executing registered sale deeds on 30.08.2016 in favour of M/s. V.R. Developers.

In pursuance of the notices received by them, the respondents have entered their appearance and appeared before this Court. They have filed a counter affidavit.

During the hearing of the case, this Court *prima facie* opined that the sale of the property during the subsistence of the order passed in the Writ Appeal constitutes contempt.

Respondents 2 and 5, who were directed to attend every hearing of the case, filed an affidavit dated 14.03.2018 stating that all the respondents are innocent and that one Nadipilli Anjaneyulu, who is the husband of the fourth respondent, was looking after the affairs of the property in question and that he mortgaged the same to IDBI Bank and in order to clear the outstanding loan amounts to the said Bank, they were compelled to sell the property to a third party and that all the respondents remained mute spectators and acted according to the dictates of the said Anjaneyulu. They further

pleaded that except signing the sale deeds, they were not aware of the facts of the case and that they did not realise the fact that by joining as parties to the sale deeds, they would be violating the order of this Court.

Both the aforementioned respondents are personally present and they pleaded mercy. They have also offered to pay Rs.2,00,000/- as compensatory costs to the petitioners for violation of the order of this Court, albeit *bona fide*.

After hearing Mr. M. Jagannatha Sarma, learned counsel for the petitioners, and upon perusal of the affidavit, dated 14.03.2018, referred to above, we are convinced that the respondents appeared to have obliged Nadipilli Anjaneyulu, husband of respondent No.4, and thereby *bona fide* signed the sale deed without realising that their action would attract the contempt of Court.

Therefore, we are of the opinion that though the respondents have violated the order of this Court, the same is not wilful or deliberate attracting the charge of contempt. At any rate, if the respondents succeed in the writ petition, the relief can be appropriately moulded so as to nullify the sale transaction entered into by the respondents with the third parties. We are also satisfied with the *bona fides* of the respondents in offering the sum of Rs.2,00,000/- as compensatory costs. Indeed, they have brought

the Demand Drafts for Rs.2,00,000/- and handed over the same to the learned counsel for the petitioners.

In the facts and circumstances of the case, the Contempt Case is closed and the respondents are discharged from the contempt proceedings.

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**JUSTICE C.V.NAGARJUNA REDDY**

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**JUSTICE G. SHYAM PRASAD**

Date: 14.03.2018

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