

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Cont.P.No.257 of 2019

N.Krishnamoorthy Petitioner

Vs.

1. N.Panchatcharam,
S/o.Late Nataraja Nadar,
No.18, Railway Station Cross Road,
Netaji Nagar, Attipattu,
Thiruvallur District.

2. K.Murugadoss,
S/o.Late Nataraja Nadar,
No.18, Railway Station Cross Road,
Netaji Nagar, Attipattu,
Thiruvallur District.

.... Respondents

PRAYER: Contempt petition filed under Section 11 of Contempts

of Courts Act 1971 praying to punish the respondents for
willfully disobeying and violating the orders of this Hon'ble

Court dated 22.09.2017 made in C.M.P.No.16897 of 2017 in

For Petitioner : Mr.Abrar Mohamed Abdullah.I

For Respondent -2 : Mr.C.K.M.Appaji

O R D E R

In a suit filed for declaration and injunction, by the petitioner, to declare the sale deed dated 30.09.2013 made between the respondents as null and void and consequently to restrain the second respondent from trespassing and demolishing the superstructure exist in 'B' Schedule property, the trial Court as well as the appellate Court declined to grant interim injunction. On revision before this Court an interim injunction was granted on 22.09.2017. However, for want of proper communication, it is stated that the second respondent did not have knowledge of the injunction order and demolished the building.

2. The petitioner has come to this Court complaining of violation of interim injunction granted and wilful disobedience of the same through the present contempt petition.

3. Heard both sides.

4. Peculiar situation in the instant case is that petitioner filed a suit for partition against his brother and other family members. During the pendency of the partition suit, petitioner's brother / first respondent sold his share in the property to the second respondent. Challenging the sale, petitioner filed the present suit in which he was unable to get interim order before the Courts below. Even though

injunction was granted by this Court, for want of communication, the object could not to be achieved and he

could not prevent the damage being caused. Now that a third party right has been created and further damage has to be prevented. Instead of punishing the second respondent, to serve useful purpose and to give quietus to this issue, this Court is of the considered opinion to give a direction to the trial Court to dispose of the suit itself expeditiously.

5. Accordingly a direction is given to the III Assistant Judge, City Civil Court, Chennai to dispose of O.S.NO.2229 of 2015 within a period of three months from the date of receipt of a copy of this order. Since it is observed that the second respondent was not having knowledge of the interim order dated 22.09.2017 passed by this Court in the above revision, the contempt petition is closed. At the same time, it is made clear that the second respondent cannot further his action by putting up constructions. Parties are directed to maintain "Status Quo" as of today till the disposal of the suit. सत्यमेव जयते

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

bkn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

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Mv/06/08/2019