

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.MANIKUMAR**
and
THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

Contempt Petition No.141 of 2018

Aruvamoola Srinivasan
S/o.Chandran

.. Petitioner

Vs.

Mr.Nilendar Prakash Punj
Managing Director
M/s.Lloyds Insulations (India) Ltd.,
No.5, Haddows Lane
Off. Haddows Road
Nungambakkam, Chennai - 600 006.

.. Respondent

Contempt Petition under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for his willful disobedience of this Hon'ble Court Order dated 9.12.2016 passed in W.A. No.1477/2010 on the file of this court.

For Petitioner : Mr.J.James

For Respondent : Mr.K.F.Manavalan

ORDER

(Order of the Court was made by **S.MANIKUMAR, J.**)

Despite the receipt of notice in Contempt Petition No.141/2018, there was no appearance and therefore, on 26.8.2019, we were constrained to issue bailable warrant, to

be executed by the Inspector of Police, F3, Police Station, to produce the alleged contemnor Mr.Nilendar Prakash Punj, Managing Director of M/s.Lloyds Insulations (India) Ltd., No.5, Haddows lane, Nungambakkam, Chennai - 600 006.

2. On this day, when the matter came up for hearing, on behalf of the alleged contemnor Mr.Nilendar Prakash Punj, an application in C.M.P. SR No.112590/2019, has been filed, to recall theailable warrant issued vide order dated 26.8.2019.

3. Mr.J.James, learned counsel for the petitioner/appellant submitted that warrant could not be executed, since the alleged contemnor is stated to be in New Delhi.

4. However, by producing a demand draft No.548855 dated 22.8.2019 drawn on ICICI Bank, Palghat Branch in favour of Mr.A.Srinivasan, for a sum of Rs.2,75,094/- representing 50% of the balance amount directed to be paid vide order dated 17.7.2009 made in W.P. No.6687 of 2001, Mr.K.F.Manvalan, learned counsel for the respondent/contemnor submitted that the said order is implemented though belatedly. According to him, the reason for the delay was that the official, who had dealt with the

subject matter, died and therefore, the delay.

5. Though, Mr.J.James, learned counsel for the petitioner/appellant disputed the quantum of sum paid, when Rs.2,75,094/-, representing 50% of backwages and other attendant benefits, there was no protest. Learned counsel for the petitioner/appellant did not pursue the said submission. However, he submitted that the petitioner/appellant was put to hardship due to the delayed payment of what he is entitled from the date of termination and sought for a direction for payment of interest. Mr.K.F.Manavalan, learned counsel for the alleged contemnor, fairly submitted that a sum of Rs.2,00,000/- will be paid to the petitioner/appellant representing interest portion of it. Submission of the learned counsel for the respondent/contemnor is placed on record.

6. In view of the above, payment of Rs.2,75,094/- representing 50% of balance backwages and other attendant benefits by way of demand draft bearing No.548855 dated 22.8.2019 drawn on ICICI Bank, Palghat Branch in favour of Mr.A.Srinivasan, is acknowledged by Mr.J.James, learned counsel for the petitioner. The respondent/contemnor is directed to pay a sum of Rs.2,00,000/- towards interest before 16.9.2019.

7. C.M.P. SR No.112590 of 2019 in Contempt Petition No.141 of 2018 is not listed before us. Having regard to the payment made and also the undertaking to pay interest before 16.9.2019, we accept the explanation of the alleged contemnor/respondent. Accordingly, we recall theailable warrant issued on 26.8.2019.

With the above direction, the contempt petition is closed. However, there shall be no order as to cost.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

asr

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Smi/03/10/2019

To

Managing Director
M/s.Lloyds Insulations (India) Ltd.,
No.5, Haddows Lane
Off. Haddows Road
Nungambakkam, Chennai - 600 006.