

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

CORAM

THE HON'BLE Mr. JUSTICE **M.M.SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **M.NIRMAL KUMAR**

Cont.P.No.1442 of 2017
and Sub Application No.625 of 2018

S.Thomas .. Petitioner in Contempt
Petition/Sub Application

Vs.

1.S.P.Gupta,
The Chairman (URC),
Embarkation Headquarters,
Fort St. George, Chennai - 9.

2.M.Dhandapani Ramesh,
The Commandant,
Embarkation Headquarters,
Fort St. George, Chennai - 9.

.. Respondents in Contempt
Petition/Sub Application

Petition filed under Section 11 of Contempt of Courts Act to punish the respondents herein for wilful disobedience and violation of the judgment and decree dated 05.10.2016 passed in A.S.No.34 of 2016 on the file of the VII Additional Judge, City Civil Court, Madras.

Sub Application No.625/2018:

To direct the respondents to pay a sum of Rs.3,94,800/- towards arrears of salary, bonus and allowances to the applicant together with interest at the rate of 12% per annum pending disposal of the above

Contempt Petition No.1442 of 2017.

For Petitioner	..	Mr.S.Sadasharam
For Respondents	..	Mr.Venkataswamy Babu, SPC GOI

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Alleging that the judgment and decree dated 05.10.2016 passed in A.S.No.34 of 2016 by the VII Additional Judge, City Civil Court, Madras has not been complied with, the present contempt petition has been filed.

2. We do not want to keep this matter pending for two reasons. One is that the decree for mandatory injunction is executable decree. Second is that the respondents/contemnors have filed a second appeal, though not numbered. The second reason by itself cannot be a ground for not filing the execution petition as the said petition has to be decided on its own merit. Further more, the second appeal is yet to be admitted followed by interim order. Therefore, we make it clear that it is well open to the petitioner to lay the execution petition before the trial Court, in which case, the said petition has to be decided on its own merit, subject to any interim order to be obtained in the second appeal.

3.With the above observation, the contempt petition stands closed. Consequently, connected sub application is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/19/08/2019