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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**
Contempt Petition (MD)No.734 of 2016

in

C.M.P(MD)No.2126 of 2005

in

S.A(MD)No.237 of 2005

Karuppiah (died)

1.Raja

2.Ramamoorthy

... Petitioners/Respondents 2 and 3/

Respondents 2 and 3

Vs.

Sivagami (died)

1.Ponnusamy

2.Pon.Ramachandran

3.Pon.Ravichandran

4.Pon.Ayyakannu @ Raju

... Respondents/Contemnor

Lrs, of the deceased Petitioner

PRAYER: This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents for contempt by willfully disobeying and violating the order of this Court in CMP (MD)No.2126 of 2005 in S.A(MD)No.237 of 2005 dated 23.03.2005.

Prayer in CMP(MD). 2126 of 2005 :

Petition praying that in the circumstances sated therein and in the affidavit filed herewith the High Court will be pleased to pass an interim injunction against the respondent/respondent/defendant and their men, agents and servants not to interfere with the peaceful possessions and enjoyment of the petitioner/plaintiff in respect of the petition mentioned properties which is subject matter in OS.169/02 till the disposal of the petition and to pass a temporary injunction against the respondents and their men,agents,servants not to interfere with the peaceful possession and enjoyment of the suit properties till the disposal of the SA and thus render justice.

Prayer in SA(MD). 237 of 2005 :

against the decree and judgment dated 03.11.2004 passed in A.S.No.16 of 2004 on the file of the learned I Additional Subordinate Judge, Madurai, reversing the judgment dated 20.10.2003 passed in O.S.No.169 of 2002 on the file of the learned District Munsif Court, Melur



For Petitioners : Mr.P.Senthurpandian
For Respondents : Mr.D.Srinivasaghavan
For R1, 2 and 4

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O R D E R

Alleging wilful disobedience and violation of the order of this Court in CMP(MD)No.2126 of 2005 in S.A(MD)No.237 of 2005 dated 23.03.2005, this contempt application is filed.

2.According to the petitioner, a pathway is running on the northern side of the property and the same is being used by the petitioner to reach his property in S.No.7/3.

3.The learned counsel for the respondents 2 and 4 would state that there is no proper pleading and evidence in respect of the existence of northern side pathway and the Advocate Commissioner's report dated 22.08.2018 does not indicate that the respondents have blocked the pathway by violating the order of this Court.

4.It is to be noted that this contempt petition is pending for the past three years and the second appeal is likely to be taken up for final hearing. In my considered opinion that the case of the petitioner has to be decided in the appeal and I find no wilful disobedience in this case. Hence, this Contempt Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

TO:

1.THE IST ADDITIONAL SUBORDINATE JUDGE, MADURAI.

2.THE DISTRICT MUNSIF, MELUR.

skn

1 CC to M/s.P.SENTHUR PANDIAN, Advocate (SR-51894[F] dated
06/03/2019)

Contempt Petition (MD)No.734 of 2016**in****C.M.P(MD)No.2126 of 2005****in****S.A(MD)No.237 of 2005**