

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Contempt Petition No.857 of 2019

M.Seema Lunkar

.. Petitioner

Vs.

1. M/s.Harsha Constructions,
Rep. by its Partners.
2. Smt.P.Jethan Kavar,
Partner M/s.Harsha Constructions.
3. Mr.P.Ashok Kumar,
Partner M/s.Harsha Constructions.
4. Mr.P.Milap,
Partner M/s.Harsha Constructions.
5. Mr.P.Ramesh,
Partner M/s.Harsha Constructions.
6. Mr.P.Suresh,
Partner M/s.Harsha Constructions.
All at No.51, Hunters Road,
Choolai, Chennai – 600112.

.. Respondents

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for not complying with the order of this Court dated 02.04.2018, made in C.S.No.68 of 2018.

For Petitioner : Mr.Aashis Jain

For Respondents : Mr.P.Subba Reddy

ORDER

Alleging that the order of this Court dated 02.04.2018, made in C.S.No.68 of 2018, has not been complied with, the petitioner has come forward with this contempt petition.

2. Earlier, the suit filed by the petitioner has been decreed based on a compromise entered into between the parties. As per the compromise, the respondents have agreed to pay a sum of Rs.61,00,000/- in installments and there is also a condition that if there is any default in payment of single installment, the respondents will pay interest at the rate of 12% p.a. Since the respondents failed to pay installments as per the compromise, present contempt has been filed.

3. Admittedly, now the entire Rs.61,00,000/- has been paid. The learned counsel appearing for the petitioner submitted that there is default in payment of installments and as per Clause 3 of the compromise, the respondents are liable

to pay a sum of Rs.5,58,000/- towards interest. But the said amount has been disputed by the learned counsel appearing for the respondents. Today, the learned counsel appearing for the respondents gave a cheque for a sum of Rs.3,00,000/- towards interest for the belated payment of installments.

4. Now the entire principal amount along with some interest has been paid. Considering the fact that the principal amount has been paid by the respondents, no further adjudication is required in the contempt and hence the contempt is closed. As far as the quantum of interest payable to the petitioner, there is a dispute between the parties. Therefore, as per the compromise decree, if the petitioner has any grievance regarding quantum of interest payable to her, it is always open to her to take necessary legal proceedings for recovery of interest payable by the respondents. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

kk

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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