

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.01.2020

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

Contempt Petition No. 1717 of 2019

and

Sub.Appl(OS).No.462 of 2019

Edgah Mosque Charities,  
represented by its Hony. Secretary M.Mohamed Ayub,  
Door No.9, Angappanaicken Street,  
Chennai - 600001.

...Petitioner

Vs

1. Sharfudeen

2. Beenu

Both residing at No.3/5,  
Edgah Mosque lane George Town ,  
Chennai 1.

... Respondents

**Prayer:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for willfully disobeying the order passed in C.R.P.No.(NPD)No. 660 of 2019.

**Sub Application No.462 of 2019:**

To direct the respondents to comply with the order dated 26.02.2019 passed in CRP(NPD) No.660 of 2019 by paying the cost of Rs.50,000 and pass such further or other orders.

For Petitioner : Mr.M.J.Jaseem Mohammed

For Respondents : No appearance

O R D E R

The Contempt Petition has been filed since the contemnors had not complied with the undertaking they had given in S.A.No.637 of 2015 to vacate and hand over the possession of the property. Thereafter, when execution proceedings were instituted by the petitioner in E.P.No. 1413 of 2012, the contemnors filed an application under Section 47 of CPC. This petition was dismissed by the Lower Court namely the learned IX Assistant Judge, City Civil Court, Chennai.

2. Aggrieved by the dismissal, the matter was taken by way of revision in C.R.P.No. 660 of 2019 and this Court dismissed the Revision since the parties had failed to comply with the undertaking and failed to vacate the property on 07.01.2020 and hence the contempt petition has been moved.

3. Since the orders of this Court in C.R.P.No. 660 of 2019 had not been complied, Statutory Notice was Ordered and the contemnors appeared before this Court.

4. This Court directed them to vacate and hand over the possession of the property. It is now brought to the notice of this Court by the learned counsel appearing for

the petitioner that the respondents/contemnors had vacated and handed over the possession of the property and the undertaking given by them in S.A.No. 637 of 2015 has been complied with. Since the respondents/contemnors had complied with the undertaking, more particularly since both are aged and in the above contempt petition as the contemnors have purged themselves of the contempt, no further orders are required. Hence, the present Contempt Petition Stands closed. Consequently, the connected sub application is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

kmm

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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