

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**
AND
THE HONOURABLE MR. JUSTICE **KRISHNAN RAMASAMY**

Cont P. No. 1878 of 2019

S.Vijayakumar Petitioner

Vs.

1.S.Nagalakshmi
2.S.Palani
3.M.Maheswari
4.S.Devaraj Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971 against the decree made in O.S.No.1917 of 2016 dated 01.03.2018 on the file of II Asst. Judge, City Civil Court, Chennai.

For Petitioner : Mr.D.Sundara Babu

For Respondents : Mr.K.M.Venugopal

सत्यमेव जयते

ORDER

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

Alleging that the order dated 01.03.2018 made in O.S.No.1917 of 2016 on the file of the II Assistant Judge, City Civil Court, Chennai, has not been complied with, the present contempt petition has been filed.

2. The learned counsel appearing for the petitioner submitted that as against the judgment and decree of the Trial Court, as confirmed by the lower appellate Court, second appeal has been filed.

3. In such view of the matter, we are not inclined to entertain this Contempt Petition. More so, the remedy open to the petitioner is to file an execution petition and not by way of filing contempt petition. Accordingly, this contempt petition stands closed.

4. However, inasmuch as the second appeal in S.A.SR.No. 123265 of 2019 is yet to be numbered, we make it clear that the respondents will have to represent the papers and see to it that the same is numbered within a period of four weeks from the date of receipt of a copy of this order.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

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SMI/29/01/2020