



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 16TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.7112 of 2015

in

C.S. No.558 of 2015

1.Dilip Kumar R.Parikh
Door No.G1, Plot No.18,
Shirdi Sai Apartments, 6th Cross Street,
Prakash Nagar, Tiruninravur,
Chennai-602024.

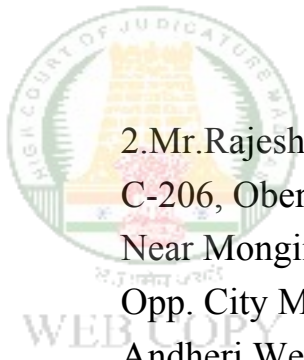
2.Mrs.Devika R.Parikh
K 505, brigade Metropolis K R Puram
Whitefield Road, Mahadevpura,
Bangalore-560 048.

3.Mr.Bhaves K.Parikh
136-139, C7 Blue Mont Apt.
EVR Periyar Salai,
Kilpauk,
Chennai-600 010.

..Plaintiffs

-Versus-

1.Dr.Bhupendra Kumar R.Parikh,
No.26, South Mada Street,
Triplicane,
Chennai-600 005.



2.Mr.Rajesh K.Parikh
C-206, Oberoi Springs,
Near Monginis Cake Factory,
Opp. City Mall, Oshiwara Link Road,
Andheri West, Mumbai-400 053.

3.Mrs.Malti J Parikh

4.Mr.Mehul J Parikh

1 Dickinson Road,
Kendall Park, N J 08824,
United States of America

5.Ms.Archana J Parikh
11520 Parsipanny Terrance,
Gaithersburg, MD 20878
United States of America.

.. Defendants

A.No.7112 of 2015:

1.Dr.Bhupendra Kumar R.Parikh,
No.26, South Mada Street,
Triplicane, Chennai-600 005.

... Applicant

VS.

1.Dilip Kumar R.Parikh
Door No.G1, Plot No.18,
Shirdi Sai Apartments, 6th Cross Street,
Prakash Nagar, Tiruninravur,
Chennai-602024.

2.Mrs.Devika R.Parikh
K 505, Brigade Metropolis K R Puram
Whitefield Road,
<https://hcservices.ecourts.gov.in/hcservices/>
Bangalore-560 048.





This Application coming on this day before this court for hearing, the court
made the following order:-

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This suit is laid for partition. The 1st defendant has taken out this application.

The 1st defendant appears as a party-in-person. He did not appear either in the virtual mode, or physically before this Court today.

2.The present application is taken out by him for rejection of plaint and this Court has an advantage of perusing his affidavit filed in support of the application. The entire reading of the affidavit only informs the Court that he seems to take certain exception to what he terms as contradiction in the pleadings, and his primary prayer is to initiate action for contempt of Court.

3.The application is terribly misconceived. Not one aspect which the 1st defendant / applicant has raised in paragraphs 1 to 6 of his affidavit satisfy any of the requirements of Order VII Rule 11 C.P.C, and if the Court has to initiate action for contempt of Court, that can be only on an allegation of the violation of the order of the Court, but no such order has been projected in the affidavit. Alternatively

<https://hcservices.hcma.gov.in/hcservices> contempt can be initiated if there is an obstruction to the cause of justice which is



essentially a criminal contempt. Here the party has got very very limited role.

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4.This application is now an obstruction to the further progress of the litigation.

Hence, this application is dismissed. No cost.

Sd./-NSSJ

16/12/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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