

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.No.1607 of 2011

R.Kalavalli,
No.2.Maran Nagar Extension,
Poonamallee, Chennai 56.

Petitioner

Vs.

1. P.Sundaraj,
S/o.Perumalraj,
19/27, Kailaya Chetty Street,
Old Washermenpet,
Chennai 600 021.

2. S.Bhagya Rekha,
W/o.Sundaraj,
19/27, Kailaya Chetty Street,
Old Washermenpet,
Chennai 600 021.

3. Ashok Kumar,
S/o.Arunachalam,
9, Kamarajar Street,
Indira Nagar,
Poonamallee,
Chennai 600 056.

Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents herein for their wilful disobedience of the order of this Court made in M.P.Nos.2 and 3 of 2010 in C.R.P.No.3256 of 2010 dated 04.01.2011.

For Petitioner : Mr.K.Rajasekaran

For Respondents : No Appearance

ORDER

This Petition has been filed to punish the respondents for their wilful disobedience of the order of this Court made in M.P.Nos.2 and 3 of 2010 in C.R.P.No.3256 of 2010 dated 04.01.2011.

2. This Court by an order dated 04.01.2011 allowed the Civil Revision Petition and set aside the order of dismissal of the suit passed by the trial Court and directed to restore the suit in O.S.No.9 of 2009 after providing reasonable opportunity to the petitioner herein to pay the deficit Court fee within reasonable time to be fixed by the Court below and dispose the suit in accordance with law.

3. The learned counsel for the petitioner submitted that after passing the order and before obtaining copy of the order, the respondents sold out the suit property in favour of the third parties. The suit has been filed for declaration to declare that the sale deed in respect of the suit property obtained from the respondents in a fraudulent manner as null and void. Therefore, they committed contempt of Court by disobeying the order passed by this Court. The respondents filed a petition for rejection of plaint, on the ground of deficit Court fee and the same was allowed by the trial

Petition and this Court allowed the same and directed the petitioner to pay the deficit Court fee. While being so, according to the petitioner, the respondents sold out the suit property, on the strength of the sale deed which is under challenge in the main suit in favour of the third parties. Therefore, the petitioner can very well approach the trial Court for appropriate relief after restoring the suit. No contempt is made out as against the respondents.

4. Recording the said submission, this Contempt Petition is dismissed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)
kv
//Certified to be true copy//

Dated at Madras this the day of 2021.

सत्यमेव जयते COURT OFFICER(O.S.)

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GS/26/03/2021