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Contempt Petition No.1311 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Contempt Petition No.1311 of 2015

P.Ravichandran,
Regional Manager,
M/s.TamilNadu Mercantile Bank Ltd.,
Rep. By its Regional Manager,
Chennai Region,
Having office at
No.45, Pulla Avenue,
Shenoy Nagar, Chennai

... Petitioner

Vs.

1.Mr.S.Sundraraman
Director,
M/s.Giriguja Publications Pvt. Ltd.,
No.56/21, Giriguja Enclave,
Sastri Nagar, First Avenue,
Adyar, Chennai – 600020.

2.Mr.S.Sundararaman
Printer and Publisher
56/21, Giriguja Enclave,
M/s.Giriguja Publications Pvt. Ltd.,
Sastri Nagar, First Avenue,
Adyar, Chennai – 600020.

3.Mr.S.P.Lakshmanan
Editor, Thamila Arasiyal,
56/21, Giriguja Enclave,
Sastri Nagar, First Avenue,
Adyar, Chennai – 600020.

... Respondents

Prayer: Contempt Petition filed u/s.11 of the Contempt of Courts Act praying to
punish the respondents for their willful disobedience of the order of this Court



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Contempt Petition No.1311 of 2015

dated 23.12.2014 passed in O.A.No.1052 of 2014 in C.S.No.855 of 2014.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.P.Tamilavel

For Respondents : Mr.M.Palanimuthu

ORDER

The matter is heard through Video Conferencing.

2. The present Contempt Petition has been filed alleging non-compliance of the order of this Court dated 23.12.2014 passed in O.A.No.1052 of 2014 in C.S.No.855 of 2014, whereunder this Court had granted interim injunction till 12.01.2015.

3. Heard learned senior counsel appearing for petitioner and learned counsel appearing for respondents.

4. Respondents 1 and 2 had filed a counter dated 12.09.2016 stating that they have not committed any contempt of the order of this Court. It is the case of respondents that the order of interim injunction was in force only till 12.01.2015. Thereafter, it was not extended. Respondents had not published news items in their weekly magazine till 12.01.2015 and thus, they had duly complied with the order of this Court. In support of their submissions, respondents relied on the judgment of the Honourable Supreme Court in *N.Rathinasabapathy and others v K.S.Palaniappa Kandar and others [(1996) 7 SCC 205]*, wherein it has been

observed as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



"3. With respect to the High Court we find it difficult to comprehend how the blame could be laid at the doors of the appellants. There is no doubt that the operation of the injunction was limited to three weeks. It is nobody's case that it was extended thereafter. The appellants showed respect to the order of the Court by stopping the construction as soon as the injunction order was received. After the expiry of three weeks when they did not receive any order continuing the injunction, they proceeded with the construction. As such it is difficult to understand how it can be said that the appellants had shown disrespect to the order passed by the Court. On the contrary, they showed respect by not proceeding with the construction as soon as the injunction order was received and they continued with the construction only after its period expired. Therefore, the High Court was wrong in stating that the appellants committed gross violation of the spirit and intention of the order "as if it had been effective only for a period of three weeks from the date of pronouncement of the order". There is no question of the order being in existence after the expiry of three weeks. The expression 'as if' used in the abstracted part of the order is totally unwarranted because indisputably, it was effective only for a period of three weeks. There was, therefore, absolutely no violation of the Court's order. We, therefore, fail to understand how the appellants can be hauled up for contempt under Section 12 of the Contempt of Courts Act. We are clearly of the opinion that there was no disrespect intended or shown and there was no contempt whatsoever. The impugned order of the High Court cannot, therefore, be allowed to stand."



5. Today, when the matter is taken up for hearing, it is submitted on either side that a supplementary counter affidavit dated 07.11.2016 had been filed by respondents in the year 2016 itself. In the supplementary counter affidavit, without prejudice to their submissions, respondents had tendered unconditional apology and prayed this Court to accept the same.

6. On a perusal of the order, which is in contempt, this Court also finds that the order of interim injunction was in force only till 12.01.2015 and thereafter, it was not extended. In such circumstances, this Court finds that the respondents have not violated the order of this Court. Moreover, respondents had also filed a supplementary counter affidavit tendering unconditional apology.

In the aforesaid circumstance, this Court is of the view that no purpose would be served by keeping the contempt petition pending. Accordingly, the Contempt Petition is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

gm

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/15/07/2021