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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

Cont.A.No.1 of 2021
and C.M.P.Nos.3912 & 7286 of 2021

M/s.Madras Enterprises,
Represented by its Proprietor,
S.Nanthagopal,
No.54, Velayudham Colony,
2nd Street, Saligramam,
Chennai - 600 093.

.. Appellant

Vs.

M/s.F.M. Finance & Investments,
Represented by its Partner
Praveen Kumar,
S/o.Ramesh Kumar Jain,
No.61, Krishnappa Agraharam Street,
Kondithope,
Chennai - 600 001.

..Respondent

Contempt Appeal filed under Section 19 of the Contempt of Courts Act, 1971, against the order dated 15.02.2021 passed in Contempt Petition No.397 of 2020 on the file of this Court.

Contempt Petition filed under Section 11 of the Contempt of courts Act 1971, praying that this Court be pleased to punish the respondent for wilful breach of the Undertaking to this Court given by him on 03.02.2020 in C.S.(Comm.Div) No.37 of 2020.

For Appellant : Mr.Majeed
for Ms.G.Sumitra

For Respondent : Mr.R.Vigneshkumar

JUDGMENT

[Order of the Court was made by P.N.PRAKASH, J.]

On 02.03.2021, this Court passed the following order:
"When the matter was taken up for hearing, both



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sides stated that the appellant has paid Rs.5 lakhs to the respondent.

2.Mr.S.Prabakaran, learned Senior Counsel for the appellant sought some more time for paying the balance amount in instalments.

3.Accepting the submission, adjourned to 15.03.2021 for paying another sum of Rs.5 lakhs.

4.It is made clear that the interim stay that was granted by this Court was only in respect of the order directing the alleged contemnor to pay Rs.25 lakhs and not with regard to other portion of the order of the learned Single Judge."

2. Therefore, on the undertaking given by the learned counsel for the appellant, a total sum of Rs.15 lakhs was paid in instalments by the appellant to the respondent.

3. On 27.04.2021, this Court passed the following order:

"The learned counsel for the petitioner (sic appellant) submitted that if time is granted till 30.04.2021, the petitioner (sic appellant) will pay a sum of Rs.5 lakhs to the respondent.

Recording this undertaking, this matter stands adjourned to 30.04.2021."

4. Today, when the matter was taken up for hearing, the learned counsel for the appellant and the respondent submitted that the appellant was not able to comply with the undertaking that was given on 27.04.2021.

Since, the appellant is not able to comply with the undertaking given by him, this contempt appeal stands dismissed. Connected C.M.Ps. are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Nsd

To

1.The Sub Assistant Registrar,
Original Side, High Court,
Madras - 104.

+1cc to Mr.G.Sumitra, Advocate, S.R.No. 26822

Cont.A.No.1 of 2021

KV(CO)

GN(09/08/2021)