

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

THURSDAY, THE 28th DAY OF OCTOBER, 2021

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

SUB.APPLICATION Nos.233 and 234 of 2021

IN

CONTEMPT PETITION No.1161 of 2020

SUB.APPLICATION Nos.233 and 234 of 2021

- 1 Arulselvan,
S/o. Palaniappan,
- 2 K.Kalaiselvi,
W/o. Arulselvan
- 3 Minor A.K.Lohithram,
Rep. by his Father and Guardian,
P.Arulselvan.

All residing at,
No.51/A4, Bharathi Street,
Kamaraj Nagar, Pothanur,
Paramathivelur Taluk,
Namakkal District. ..Petitioners/Petitioners in both Sub.Applications

Vs

- 1 Dr.N.Vilvasekaran,
Registrar of Cooperative Housing Society,
No.8, Ritherdon Road , Vepery,
Chennai - 600 007.
- 2 Sakthivel,
Velur Co-operative Building Society Limited,
Kaveri River Road, Paramathivelur,
Namakkal District - 638 182. ...Respondents/Respondents in
both Sub.Applications

SUB.APPLICATION No.233 of 2021

Sub Application filed Under Section 151 of the Code of Civil Procedure praying this Court be pleased to modify the order of this Hon'ble Court dated 29.01.2021 in Contempt Petition No.1161/2020 permitting the petitioners to retain the 4 FDRs equalling to the balance amount of nearly Rs.4,99,500/- and enabling the petitioners to return the 14 FDRs to the 2nd Respondent society which is equalling nearly Rs.21,00,000/-.

SUB.APPLICATION No.234 of 2021

Sub Application filed Under Section 151 of the Code of Civil Procedure praying this Court be pleased to extend the time for returning the 14 FDRs out of total 18 FDRs to the 2nd respondent society.

The above Sub Applications coming on this day before this Court for hearing in the presence of Mr.M.Marimuthu, learned Counsel appearing for the Petitioners herein; and Mr.A.Selvendran, Learned Counsel appearing for the Respondent herein; and upon reading the Application and the affidavit of Mr.Arulselvan, filed herein; the Court made the following order:

“Pursuant to the direction of this Court in the contempt proceedings, the first respondent is present through Video Conference and the second respondent is present physically.

2.Learned Government Advocate representing the contemnors today handed over the following three cheques to the petitioner counsel for a total sum of Rs.1,93,572/-.

- i) Cheque No.011790 dated 28.10.2021 drawn in favour of

P.Arulselvan for Rs.75,278/-.

ii) Cheque No.011791 dated 28.10.2021 drawn in favour of K.Kalaiselvi for Rs.86,032/-.

iii) Cheque No.011792 dated 28.10.2021 drawn in favour of P.Arulselvan for Rs.32,262/-.

3. According to the affidavit filed by the respondent of the second respondent society, the principal amount already paid pursuant to the direction of this Court dated 27.08.2019 and in respect of interest portion, the contempt petition was filed. On calculating the interest at the rate of 3.5% as per the Indian Overseas Bank Guidelines, a sum of Rs.1,93,572/- is paid by way of cheques today and therefore, the contemnor should be purged from contempt.

4. Learned counsel for the contempt petitioner submitted that the deposit was received from the petitioner on terms that they will pay 9% interest per annum and therefore, the respondent cannot reduce the interest rate at the whims and fancies. This Court is not inclined to dwell upon the issue of rate of interest in the special circumstances, which has lead to filing writ petition. If the petitioner is aggrieved on the rate of interest, it is open for him to file civil suit for recovery of money and such suit should be filed within three years from today. The appearance of the contemnor is recorded and their further appearance is not necessary in view of the disposal of the

contempt petition.

With this observation, the contempt petition is closed and the sub applications are closed. ”

WITNESS THE HON'BLE MR. SANJIB BANERJEE, CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 28th DAY OF OCTOBER 2021.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

MK/07/03/2022

SUB.APPLICATION NOS.233 AND 234

2021

in

CONTEMPT PETITION No.1161 of 2020

THE HON'BLE Dr.JUSTICE

G.JAYACHANDRAN

ORDER

DATED : 28/10/2021

FOR APPROVAL : 07/03/2022

APPROVED ON : 08/03/2022

To

1.Dr.N.Vilvasekaran,
Registrar of Cooperative Housing Society,
No.8, Ritherdon Road , Vepery,
Chennai - 600 007.

2.Mr.Sakthivel,
Velur Co-operative Building Society Limited,
Kaveri River Road, Paramathivelur,
Namakkal District - 638 182.