



WEB COPY

Cont.P.No.2724 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cont.P.No.2724 of 2016

in

OA.No.1056 of 2015

in

CS.No.326 of 2015

V.Srinivasan,
No.440, TVK. Nagar,
Chennai – 600 011

... Petitioner/Applicant/Plaintiff

Vs.

1. M.Rajeswari,
Plot No.1, Sriraman Salai,
Srinivasa Nagar, Ponniammanmedu,
Chennai – 600 110

2. S.Murugesan,
Plot No.1, Sriraman Salai,
Srinivasa Nagar, Ponniammanmedu,
Chennai – 600 110

Now temporarily residing at
Ganga Bakerie,
No.440, TVK.Nagar,
Chennai – 600 011

... Respondents/Respondents/Defendants

Prayer: Contempt Petition is filed to punish the respondents under the contempt of Courts Act for their disobedience to court, Justice and Judicial System, especially the order of this Hon'ble Court made in OA.No.1056 of 2015 dated 29.09.2015.



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For Petitioner : M/s.V.Chellammal

For Respondents : Mr.M.Stalin

ORDER

This contempt petition has been filed by the plaintiff under the contempt of courts act to punish the respondents/defendants 1 and 2 alleging disobedience of the order of this court passed in OA.No.1056 of 2015 in CS.No.326 of 2015 dated 29.09.2015.

2. The learned counsel for the petitioner/plaintiff has submitted that the petitioner herein has filed a suit in CS.No.326 of 2015 to cancel the sale deed dated 07.05.2012 stands in the name of the respondents herein registered as Document No.1412 of 2012 on the file of the Sub-Registrar, Sembium as null and void and also for compensation to the tune of Rs.10,00,000/- . She further submitted that the petitioner herein has filed an application in OA.No.1056 of 2015 seeking an order of interim injunction to restrain the respondents herein/defendants 1 and 2 from altering the position of 9 inch common partition wall located in between the eastern side of the petitioner's house property and on the western side of Door No.439 leading from north to south or altering in any manner the portions in and around the " B" schedule of the suit property more fully described as in the sketch enclosed along with the said petition. She further submitted that this court after hearing both sides, by the order dated 29.09.2015 has passed an order



directing the respondents 1 and 2 herein to maintain status quo as on 29.09.2015.

She further submitted that after passing of the said orders, the respondents 1 and 2 herein with an intention to disobey the said order, they have constructed 9 inch common wall area from north to south to an extent of 39' & 5, equivalent to 30 square feet in Door Nos.438 and 439 and hence, they have to be punished under the Contempt of Courts Act.

3. The respondents 1 and 2 have filed counter denying the allegations made in the affidavit filed in support of this petition.

4. The learned counsel for respondents 1 and 2/ defendants 1 and 2 has submitted that even though the petitioner/plaintiff in his application in OA.No.1056 of 2015 has asked the court to grant interim injunction to restrain the respondents 1 and 2 herein from altering the position of 9 inch common partition wall situated in Door No.439 and also 440, considering the submissions made by the respondents 1 and 2, this court by the order dated 29.09.2015, has directed the respondents to maintain status quo in-respect of the suit property alone.

5. The learned counsel for the respondents has further submitted that the suit property is the Door.No.440, whereas the respondents 1 and 2 herein have put up constructions only in Door No.438 and 439 and therefore, the respondents 1 and 2 herein have not committed any contempt.



6. A perusal of the order passed in OA.No.1056 of 2015 dated 29.09.2015 shows that the said application was filed to grant an order of interim injunction restraining the respondents 1 and 2 herein from altering the position of 9 inch common partition wall located in between the eastern side of the petitioner's house property and on the western side of Door No.439 leading from north to south or altering in any manner the portions in and around the " B" schedule (suit property) more fully described as in the sketch enclosed along with the said application.

7. This Court, after hearing both sides, has passed an order directing the respondents herein to maintain status quo as on 29.09.2015 in respect of the suit property more fully set out in the schedule therein. In the schedule mentioned in the said order, Door No.440 alone has been mentioned.

8. In the affidavit filed in support of this petition, the petitioner has stated that the respondents 1 and 2 herein have constructed 9 inch common wall in Door Nos.438 and 439 only. The petitioner herein has not at all stated in his affidavit that the respondents 1 and 2 herein have put up any construction in the property situated in Door No.440. The interim order was granted only in respect of the Door No.440. Hence, this Court does not find any merit in this petition. Therefore, this petition is liable to be dismissed.



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WEB COPY 9. In the result, this contempt petition is dismissed. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

VV

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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