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Contempt Petition No.464 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.09.2021**

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA**

Contempt Petition No.464 of 2020

Vaithilingam
S/o.Manickam,
Devanur Village,
Udayarpalayam Taluk,
Ariyalur District

.. Petitioner

Vs.

1.Rathna, I.A.S.,
District Collector,
Ariyalur District,
Ariyalur.

2.K.Kumaraiah
Tahsildar,
Taluk Office, Jayankondam
Udayarpalayam Taluk,
Ariyalur District.

3.Gurunathan
Commissioner,
Panchayat Union,
Andimadam,
Udayarpalayam Taluk,
Ariyalur District.

4.Visalakshi
President,
Village Panchayat,
Devanur, Udayarpalayam Taluk,
Ariyalur District.

.. Respondents



Contempt Petition filed u/s.10 of the Contempt of Courts Act, 1971, praying to punish the respondents for having committed contempt by willfully disobeying and violated the decree and judgment passed in O.S.No.259 of 2007 dated 18.07.2013 on the file of learned District Munsif, Jayankondam, Ariyalur District.

For Petitioner : Mr.S.Nagarajan
For Respondents : Mr.P.Balathandayutham
Government Advocate

ORDER

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

This contempt petition has been filed seeking to punish the respondents for having committed contempt by willfully disobeying and violated the decree and judgment passed in O.S.No.259 of 2007 dated 18.07.2013 on the file of learned District Munsif, Jayankondam, Ariyalur District.

2. Vaithilingam/plaintiff filed O.S.No.259 of 2007 in the Court of the District Munsif, Jayankondam, against the (i)District Collector, Ariyalur, (ii)Tahsildar, Jayankondam, (iii)Commissioner, Andimadam Panchayat Union and (iv)President, Village Panchayat, Devanur, seeking a declaration and mandatory injunction in respect of certain properties in Survey



Nos.230/3A and 230/3B mentioned in the plaint schedule. This suit was decreed in favour of Vaithilingam on 18.07.2013, after contest. Challenging the said judgment and decree, the defendants filed A.S.No.56 of 2017 before the Sub Court, Jayankondam, which came to be dismissed for default on 19.12.2017. It appears that Vaithilingam filed execution petitions also and obtained some orders. Alleging non-compliance with the orders of the trial Court, Vaithilingam has filed the present contempt petition.

3. When the contempt petition was taken up for hearing, learned Government Advocate appearing for the respondents submitted that, after A.S.No.56 of 2017 was dismissed for default, the appellants filed an application for restoration of the appeal suit along with an application for condonation of delay, which came to be dismissed by the Sub Court, Jayankondam, on 05.08.2019. Aggrieved by that, the defendants in the original suit preferred C.R.P.(NPD) No.150 of 2021 before this Court, which came to be allowed on 03.06.2021 on payment of costs of Rs.25,000/- to Vaithilingam on or before 15.06.2021. In C.M.P.No.12238 of 2021 in C.R.P.(NPD) No.150 of 2021, further time was extended by this Court for payment of costs, by order dated 16.09.2021 and accordingly, the costs of Rs.25,000/- was paid to Vaithilingam on 22.09.2021.



4. In view of the above, A.S.No.56 of 2017 has to be restored to the file of Sub Court, Jayankondam. In such view of the matter, the present Contempt Petition has become infructuous and accordingly, the same is closed.

The interim order of *status quo* that was granted by this Court by order dated 07.12.2020 shall continue until orders are passed by the Sub Court, Jayankondam, on any application that may be filed by the appellants in the suit in A.S.No.56 of 2017.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gm

//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.

GS/10/12/2021

To

1. The Sub Court,
Jayankondam.

2. The District Munsif,
Jayankondam,
Ariyalur District.