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Cont.P. No. 953 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P. No. 953 of 2021

1. Ramasubramaniam
2. Ranjithkumar

... Petitioners

Both are residing at
21/6, Theatre Road,
Kottur Malyandipattinam,
Pollachi Taluk

Vs

Raja Rajeswari @ Raji Muruganandham,
No.1/127, Anaimalai Main Road,
Devanurpudur,
Udmalpet Taluk

... Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents for wilful disobedience of the order passed by this Court in M.P.No.2 of 2014 in W.P.No.6370 of 2014 dated 19.03.2014 as per the Contempt of Court Act.

For Petitioners : Mrs. R.Shase

ORDER

This Contempt Petition has been filed to punish the respondent for wilful disobedience of the order passed by this Court in M.P.No.2 of 2014 in W.P.No.6370 of 2014 dated 19.03.2014, thereby directing to maintain the status quo.



2. The petitioner filed a Writ Petition, challenging the order passed by the Sub Collector, Pollachi, thereby dismissing the appeal filed by the petitioner as against the order passed by the Deputy Tahsildar, issuing patta in favour of the respondent herein. This Court granted the order of status quo to be maintained by both the parties. The petitioner filed this Contempt Petition for the reason that the respondent is fully aware of the order passed by this Court and inspite of the order of status quo continuously mortgaged the subject property and created encumbrance based on the patta obtained on the strength of the fabricated testamentary documents. Therefore, the act of the respondent herein is nothing but defying the order of status quo granted by this Court.

3. A perusal of the records reveals that the petitioner and the respondent are brothers and sister. The petitioners as well as the respondent herein are claiming the subject property through the Will executed by their parents. In this regard, the petitioner also filed a suit for partition in O.S.No.195 of 2013 for declaration and permanent injunction and it is pending on the file of the Subordinate Court, Pollachi as against the respondent herein. After passing of the interim order of the status quo by this Court, if the revenue officials mutated any revenue records in the name of the respondent, the contempt would be made out as against the official



respondents.

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4. Whereas, in the present case even according to the petitioner, the respondent had continuously mortgaged the subject property and created encumbrance based on the patta obtained on the strength of the fabricated and testamentary document. Therefore, no contempt is made out to maintain this petition. Hence, the Contempt Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, the Contempt Petition stands dismissed. However, the petitioner is at liberty to approach the Civil Court for appropriate relief against the respondent, since no contempt is made out as against her, before this Court.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

lpp/sp

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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Gs/28/09/2021

To
The Subordinate Court,
Pollachi