



Cont.P.No.600 of 2020

6. Selvarani

7. Karupaye

WEB COPY

(6th and 7th Respondents are represented by their Power of Attorney
Mr.Duraimurugan, S/o.Vaiyapuri)

(R2 to R7 impleaded by an order of this Court
dated 09.04.2021 made in Sub.A.No.137/21
in Cont P.No.600 of 2020)

.. Respondents

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for not complying with the orders of this Court dated 25.02.2020, made in C.R.P.No.239 of 2020.

For Petitioners : Mr.N.Subbarayalu

For Respondent 1 : Mr.M.Guruprasad

For Respondents 2 to 7 : Mr.V.Lakshminarayan

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ORDER

This contempt petition has been filed alleging that the respondents have violated the undertaking given before this Court in C.R.P.No.239 of 2020.

2. The Civil Revision Petition has been filed against the order passed in R.E.P.No.2 of 2009 in R.C.O.P.No.2 of 2000, dated 03.01.2020. In the above revision, the petitioners/tenant filed an undertaking that they will vacate the premises on or before 01.06.2020. Alleging that as per the undertaking, they have not vacated the premises, contempt petition has been filed.

3. Notice has been ordered in the above contempt petition and the

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respondents 2 to 7 filed a petition to implead them as party respondents and submitted that they are having share in the property, and they have also filed a suit for partition and preliminary decree has been passed granting 5/6 share to each LRs. In such circumstances, the petitioners cannot claim exclusive right in the demised property and they cannot maintain the contempt petition.

4. Mr.M.Guruprasad, learned counsel appearing for the first respondent tenant submitted that after orders have been passed in the revision petition, pursuant to the preliminary decree passed in the partition suit, the respondents 2 to 7 are also entitled to a share in the property. The first respondent has entered into a lease agreement with one of the co-sharer and pursuant to the agreement he continue to be in possession. He further stated that already the petitioners herein sold away the entire property in favour of one Mrs.Meiazhagi in the year 2016 itself and after the said sale they lost their title over the demised property and therefore the petitioners cannot maintain the present contempt petition.

5. I have considered the rival submissions.

6. There is a dispute pending between the parties with regard to the ownership and it is also stated that the petitioners have already sold the property to a third party and also considering the fact that the tenant has entered into a lease agreement with other co-sharers, pursuant to the same they are said to be in possession of the property. Considering those circumstances, I find no



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willful disobedience of the order passed by this Court. Hence the contempt
petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

kk

//Certified to be true copy//

Dated at Madras this the day of 2021.

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/30/07/2021