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Cont.P.No.596 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

Cont.P.No.596 of 2018

M/s.Cholamandalam Investment and Finance Company Limited,
'Dare House', No.2, N.S.C. Bose Road,
Parrys,
Chennai – 600 001.
Represented by its Authorized Signatory ... Petitioner

Vs.

Sister Pushpa,
Head Mistress,
Bethlehem Hr. Sec. School,
St. Marys Hill Ooty,
The Nilgiris-643 001 ... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for the willful disobedience of the order of this Court dated 07.03.2017 made in A.No.566 of 2017.

For Petitioner : Mr.D.Pradeep Kumar

For Respondent : Fr. A. Xavier Arulraj
Senior Counsel
for M/s.Father Xavier Associates



ORDER

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The above contempt proceedings has been initiated against the respondent on the ground that orders of this Court dated 07.03.2017 has not been complied with. The order in question reads as follows:

“That Bethlehem Hr. Sec. School, St.Mary's Hill Ooty, the 2nd respondent / Garnishee herein be and are hereby directed to withhold 1/3rd salary of Mary Deepa A, the first respondent herein, after deducting the first Rs.1,000/- (Rupees One thousand only) until further orders of this Court.

(2)That the 2nd respondent / Garnishee herein be and are hereby directed to deposit the amount of salary so withheld every month to the credit of the above application till the disposal of the arbitration proceedings.

(3)That the applicant herein be and is hereby directed to produce the salary certificate of the first respondent herein.”

2. The affidavit has been filed by the contemnor which reads as follows:

“3. I humbly submit that the respondent / Garnishee, being only a forwarding authority for paybill / salary, and not being a disbursing authority, the said amount could not be deducted every month and credited to the above Application. The 1st respondent receives her salary in to her Bank Account directly through ECS. However the 2nd respondent directed the 1st respondent/ debtor to pay the amount of Rs.18,033/-, every month, to the Applicant



Cholamandalam Company. The 1st respondent had paid the said amount of 1/3rd salary, for the months of July, August and October' 2018. The 2nd respondent was under the bonafide impression that the 1st respondent is regularly paying the said amount directly to the Applicant Company every month.

4. I humbly submit that only after the above Contempt Pet.No.596 of 2018, came to be filed, this respondent came to know that 1st respondent had failed to remit the said amount regularly after October' 2018.

5. I humbly submit that immediately the 2nd respondent had taken steps, to collect an amount of Rs.4,68,858/-, from the 1st respondent, by way of DD dated 17.12.2020 and had deposited the same to the Account of the Registrar General, High Court of Madras on 21.12.2020. The said amount is for the period from November' 2018 to December' 2020.

6. I humbly submit that the 2nd respondent also undertakes to collect the rest of the monthly payments from the 1st respondent and deposit the same in to the Account of the Registrar General, High Court of Madras to the credit of the above Application. That apart the Arbitration Proceedings are still pending."

3. It is also submitted by the senior counsel appearing for the counsel for the contemnor that the respondent / contemnor has since superannuated however continues to be the part of the congregation and she also undertakes to ensure that the 1st respondent would submit the balance 8 installments.



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4. Considering the fact that in the affidavit filed, the contemnor has undertaken to comply with the order of this Court dated 07.03.2017 in letter and spirit, the contempt petition is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/07/04/2021