

A.No.1798 of 2020
in
C.S.No.374 of 2017

C.V.KARTHIKEYAN,J.

This application has been filed under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908 seeking to punish the 5th respondent / 5th defendant for having committed an act of contempt of the order of injunction dated 06.06.2018 passed in O.A.No.513 of 2017 in the present suit.

2.In the affidavit filed in support of the said application it had been stated that the 5th respondent, against whom the said application has been filed had dug up a passage in between 10 shops on one side and 9 shops on the other side and attempted to lay a passage thereby obstructing free ingress and egress to the shops of the plaintiffs. Notice was directed in the present application. The 5th respondent entered appearance and had filed a counter affidavit.

3.Even before examining the issue on merits it must be pointed out that the 5th respondent had stated that he had not knowingly committed any

act of violation and also tendered his unconditional apology. Quite apart from that, the 5th respondent also stated that the passage has now been relayed and status quo ante has been restored. This fact is acknowledged and affirmed by the learned counsel for the applicants / plaintiffs.

4. In view of these facts, I hold that keeping this contempt petition pending, which would only obstruct the further progress in the suit would be of no interest to either one of the two parties. However, it is made clear, that the 5th respondent should be aware of the orders passed by this Court and abide by the orders. With these observations, this application is closed.

03.03.2021

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