

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(CONTEMPT JURISDICTION)

THURSDAY, THE 23RD DAY OF AUGUST, 2021

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

SUB.APPLICATION No.383 of 2020

IN

CONTEMPT PETITION NO.592 OF 2018

IN

APPLICATION NO.3303 OF 2016

CHENNAI VAZH KOVILPATTI NADAR,
URAVINMURAI SANGAM REG. NO. 45/1984
REP. BY ITS PRESIDENT,
K. RAMASAMY NADAR
S/O. KARUPPIAH NADAR,
43 (18/1) L.B. ROAD, ADYAR,
CHENNAI -20. ...PETITIONER/PETITIONER

-VS-

1.L.M. KRISHNASWAMI NADAR,
S/O. MUTHAPPAN NADAR,
NOW RESIDING AT
35/17 MUNUSAMY THOTAM,
4TH LANE, ROYAPURAM, CHENNAI -21.
...RESPONDENT/1ST RESPONDENTS

2.S.V.MANOCHARAN,
S/O.VIJAGAPPAN NADAR,
RUKMANI NAGAR,
POONAMALLEE, CHENNAI-56. ...2ND RESPONDENT/3RD
PARTY/3RD PARTY

3.S.VIJAYARAJAN,
S/O.SUBIAH NADAR,
96, GREENWAYS ROAD,CHENNAI-28.

..3RD RESPONDENT/3RD PARTY/4TH DEFENDANT

4.A.THANGA THIRUPATHI,
S/O.AMBIGAPATHI,
91/38 SANJEEVARAYAN KOIL STREET,
OLD WASHERMENPET, CHENNAI-21.

..4TH RESPONDENT/3RD PARTY/3RD PARTY

(RESPONDENT 2 TO 4 ARE IMPEADED AS PER THE ORDER IN
SUB.APPLICATION NO.81/2019.)

5. B.MUTHARASU,
S/O. BOSE NADAR,
NO.125, VASANTHAM NAGAR,
THIRUNINRAVOOR,
THIRUVALLUR DISTRICT.

.. PROPOSED 5TH RESPONDENT/3RD PARTY

(IMPEADED AS 5TH RESPONDENT AS PER THE ORDER OF THE
COURT DATED 23/08/2021 MADE IN SUB.APPLICATION
NO.383/2020 IN CONT.P.NO.592 OF 2018)

SUB APPLICATION NO: 383/2020

Sub Application filed Under Section 151 of the Code of Civil
Procedure praying this Court be pleased to implead the proposed respondent
as party 5th respondent in Contempt No.592/2018.

CONTEMPT PETITION NO: 592/2018

Contempt Petition filed Under Section 11 of the Contempt of Courts
Act, 1971 praying to punish the respondent for his willful disobedience of
this Hon'ble Court's order dated 09.02.2018 in Application No.3303/2016 in

C.S.No.673/2012 in the above suit and further direct the Contemnor to handover the Sangam and the office.

The above Contempt Petition and Sub application coming on this day before this Court for hearing in the presence of M/S. S.Packiarj appearing for Petitioner herein; and of M/s.L. Rajesekar appearing for R3; M/s. P.J.Anitha appearing for R2 and R4; and M/s. G. Radhakrishnan appearing for R5 and upon reading the petition and the affidavit of K.Ramasamy Nadar, filed herein; the Court made the following order:

“This application has been filed seeking to implead the proposed party as the respondent in the Contempt Petition.

2. According to the applicant, the proposed party, who was the Secretary as well as the counsel of the Sangam, till he was prohibited by the Bar Council of Tamil Nadu and Puducherry from appearing, is in possession of the documents of title relating to the property of the Sangam. It is also the claim of the applicant that it is the proposed party who was in possession of the keys of the Sangam and it was he who handed over the same to the Commissioner appointed by this Court to conduct election of the Sangam.

3. The order of appointment of the Commissioner was also

confirmed by the Division Bench in OSA.No.72 of 2018. In the Order of the Division Bench there is a specific direction to the appellant before the Division Bench to hand over properties and documents of the Sangam to the newly elected Office Bearers. Admittedly the said order has not been complied with. The 1st respondent in the Contempt Petition attempts to take advantage of his age and claim that he is not aware of the affairs of the Sangam, though he was the President of the Sangam till the election held by the Advocate Commissioner appointed by this Court.

4. Counter has been filed by the 5th respondent, wherein, the 5th respondent has raised several issues which relate to the merits of the matter. It is very clear from the averments made in the counter affidavit itself that the 5th respondent was something more than a counsel for the 1st respondent herein in the suit and he had overwhelming influence over the 1st respondent.

5. I am therefore of the considered opinion that the 5th respondent's presence in this Contempt Petition would be of more relevance. Though he is not a party to the original proceedings, but as a counsel for the parties and as a former Secretary of the Sangam, I feel that the presence of the 5th respondent would enable this Court to unravel the mystery

regarding the possession of the documents of the Sangam. Hence, the 5th respondent is made a party to this Contempt Petition.

6. This application is therefore allowed. The learned counsel for the petitioner in the Contempt Petition is to carry out amendment and file amended copy of the petition by 06.09.2021.

7. Post on 06.09.2021.”

WITNESS THE HON'BLE MR. SANJIB BANERJEE, CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 23rd DAY OF AUGUST 2021.

SD./-
ASSISTANT REGISTRAR(COMM. CASES)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GL/01/09/2021

SUB.APPLICATION No.383 of 2020
IN
CONTEMPT PETITION NO.592 OF 2018

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

ORDER

DATED :23/08/2021

FOR APPROVAL: 02/09/2021
APPROVED ON : 03/09/2021

Copy To:

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