

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.No.1891 of 2014

A.Devaprabhu

... Petitioner

Vs.

1.Balasubramaniam

2.Valli Nayagam

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents herein for their willful disobedience of the order passed by this Court in M.P.No.1 of 2013 in C.R.P.(PD).No.4705 of 2013 dated 20.01.2014.

For Petitioner : No appearance

ORDER

This Contempt Petition has been filed to punish the respondents for their willful disobedience of the order passed by this Court in M.P.No.1 of 2013 in C.R.P.(PD).No.4705 of 2013 dated 20.01.2014.

2.This Court by its order dated 20.01.2014 directed the parties to maintain status quo, till 29.01.2014. It is alleged that even after the order has been passed by this Court, the respondents 1 and 2 putting up construction, unlawfully. It is the subject matter of the suit in O.S.No.2011 of 2013.

Originally, the petitioner filed the suit in O.S.No.2011 of 2013 as against the respondents with the averments that the respondents are putting up construction, without leaving sufficient set back side falls on the rear side of the plaint schedule property and by blocking free flow of light and air through their window on the western side. Initially, the trial Court has granted interim injunction and the same was subsequently vacated.

3. Aggrieved by the same, the petitioner has preferred the Appeal in C.M.A.No.120 of 2013 and obtained the order of stay, thereby continuing the order of injunction. It was challenged by the respondents in C.R.P.No.4705 of 2013 and this Court ordered status qua, to be maintained by the parties. Therefore, the interim order granted by this Court is subject matter of the suit. Hence, no contempt is made out as against the respondents. Further, the main Civil Revision Petition itself dismissed as infructuous. Accordingly, this Contempt Petition is also dismissed.

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/08/06/2021