

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : **21-01-2021**

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

**Cont.P.No.1288 of 2019
and
Sub.A.No.324 of 2019**

Cosmopolitan Club
Rep. by its Honorary Secretary,
63, Anna Salai,
Chennai - 600 002

..... Petitioner

-VS-

Mr.R.K.Jhavar
Honorary Secretary
Tamil Nadu Golf Federation,
Dhun Building, 4th Floor,
827, Anna Salai,
Chennai - 600 002.

..... Respondent

Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for committing contempt of the order of this Court, dated 10.01.2019 made in O.A.No.26 of 2019 in C.S.No.31 of 2019.

For Petitioner : Mr.V.P.Sengottuvel

For Respondent : Mr.P.R.Raman, Senior Counsel
for Mr.C.Seethapathy

ORDER

This Contempt Petition has been filed for the alleged disobedience of the orders of this Court, dated 10.01.2019 made in O.A.No.26 of 2019 in C.S.No.31 of 2019.

2. In the said order, dated 10.01.2019, this court having recorded the undertaking given on behalf of the respondent with regard to the proposed construction to be made in the disputed site, an order was passed. According to the petitioner, that undertaking was violated by the respondent, that is how they committed a contempt and accordingly, this Contempt Petition was filed.

3. The learned counsel as per the direction of this Court served notice to the respondent counsel, accordingly, Mr.P.R.Raman, learned Senior counsel is appearing for the respondent.

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4. Today when the contempt petition is taken up for hearing, Mr.Sengottuvel, learned counsel appearing for the petitioner submits that, since this contempt petition has arisen out of the interim order passed on 10.01.2019 in O.A.No.26 of 2019 in C.S.No.31 of 2019, subsequently, the

very O.A., i.e., O.A.No.26 of 2019 itself on merits was dismissed by a learned Judge of this Court by order, dated 30.11.2020. As against which, though intra court appeal has been preferred by the petitioner, according to him, nothing survives in this contempt petition for further adjudication, as the main O.A., itself since has been dismissed.

4. However, Mr.P.R.Raman, learned Senior counsel appearing for the respondent would submit that, what has been undertaken on behalf of the respondent before this Court, which has been recorded in the said order, dated 10.01.2019, has never been violated by the respondent and therefore, this Contempt Petition itself is a futile exercise, according to him.

5. Be that as it may, since in the subsequent development, the very O.A.No.26 of 2019 itself was rejected by this Court, by order, dated 30.11.2020, this Court feel that, nothing could be further agitated in this Contempt Petition as to whether the respondent has committed any contempt, pursuant to the orders of this Court, dated 10.01.2019.

6. In that view of this matter, this Court feel that, this Contempt Petition can be closed by recording the aforesaid development.

7. If at all any further issue is still lingering between the parties, that can be agitated in the manner known to law in the appeal filed already by the petitioner against the order, dated 30.11.2020 made in O.A.No.26 of 2019. Accordingly, this Contempt Petition is closed. Consequently, connected Sub Application is also closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

tsvn

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/25/03/2021

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