

**Sub.A.No.349 of 2011**

**in**

**Cont.P.No.244 of 2010**

**P.T. ASHA, J,**

The above Contempt Petition has been filed alleging that the Contemnor has violated the order dated 24.02.2009 in O.A.No.289 of 2009 in C.S.No.242 of 2009.

2.The suit C.S.No.242 of 2009 was instituted by the petitioners to recover a portion of the schedule property measuring 516 sq.ft of land and for an injunction restraining the defendants from putting up any construction in the suit property.

3.Pending suit, an Interlocutory Application in O.A.No.289 of 2009 was filed for an ad-interim injunction, restraining the respondents herein their men, agents, servants and all others claiming under them for putting up any construction or trespassing into any other portion of the vacant land belonging to the petitioner.

4.The learned counsel for the petitioner would submit that ultimately, the suit has been decreed in favour of the plaintiffs.

5.It is the case of the petitioner that after orders were passed, the respondents have violated the order of injunction and that the petitioner has been continuing with the construction of the roof and walls in the land.

6.From the records, it is seen that this Court had appointed an Advocate Commissioner to inspect the property and to submit a report. Accordingly, Mr.S.Senthil Kumaran, who had been appointed as Advocate Commissioner, has submitted his final report dated 29.08.2011 that the construction work has been undertaken only by the petitioners in the remaining area except for 516 sq.ft which is the subject matter of the present petition. The learned Advocate Commissioner has not stated that the construction is taken place in the 516 sq.ft. In fact, he has demarcated 516 sq.ft from out of the remaining property.

Considering the above Report, it is clear that no orders of this Court has been violated by the respondents. Therefore, this Sub Application stands dismissed.

**19.01.2021**

mps



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mps



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