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Cont.P.No.39 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 15.09.2022

CORAM

The Hon'ble Mr. Justice **SENTHILKUMAR RAMAMOORTHY**

Contempt Petition No.39 of 2009
and
Sub Application Nos.443 & 444 of 2019

Kasturi & Sons Ltd

... Petitioner/Applicant

vs.

K.C.Palaniswamy
Chairman,
Cheran Group of Companies,
78, Cherraan Towers,
Govt. Arts College Road,
Coimbatore – 641 018.

... Respondent/Ist Respondent

This contempt petition has been filed under Section 11 and 12 of the Contempt of Courts Act, 1971, to initiate contempt proceedings against the respondent for willful disobedience and breach of undertaking given and uphold the majesty of this Court in A.No.2734 of 2008 dated 12.08.2008.



Cont.P.No.39 of 2009

For Petitioner : Mr.AR.L.Sundaresan
Senior Advocate
for M/s. Rohan & George

For Defendant : Mr.P.S.Raman, Senior Advocate
Mr.T.Thiageswaran
for M/s.Waran & Sai Rmas

ORDER

The contempt petition arises out of an order in a Section 9 application by which the respondent was directed to deposit documents in Court. In Sub Application Nos.443 and 444 of 2018, the respondents filed affidavits stating that five documents, as per details set out in the respective affidavit, were not part of the documents submitted by the second respondent. The deponents of the said affidavits have further stated that they cannot deal with the properties covered under the said five documents because they do not have the documents and, in any event, do not intend to deal with the said properties.

2. Learned senior counsel for the contempt petitioner states that the contempt petition may be closed after recording the statements made in the affidavits.



3. Paragraphs 3 to 5 of the affidavit of the second and third respondents are set out below:

"3. I submit that the Petitioner/Applicant after inspection confirmed the presence of the Share Certificates, however, I submit that the Applicant/Petitioner had issued a letter stating that 5(five) Title Deeds having description as follows were not part of the documents submitted by the second Respondent/Respondent:

S.No .	Year	Doc. No.	Seller	Buyer	Area	Survey No.	Extent	
							A	C
1.	1995	821	Sundaramurthi	Sporting past time India Pvt. Ltd	Cheyyur	219/1B 219/1C1	2 0	0.05 0.78
2.	1995	1475	Velayutham	Sporting past time India Pvt. Ltd	Cheyyur	236/3C	0	0.67
3.	1995	1475	Iyyakannu	Sporting past time India Pvt. Ltd	Cheyyur	222/21 224/8	1 0	0.12 0.12
4.	1997	52	V.Sambandan	Sporting past time India Pvt. Ltd	Cheyyur	236/3C3	0	0.66
5.	1995	51	V.Sambandan	Sporting past time India Pvt. Ltd	Cheyyur	246	1	0
			TOTAL-6.4 Acres				4	2.40

4. I submit that the second Respondent /Respondent had deposited 338(Three Hundred and Thirty Eight) documents amounting to a total extent of 354.37(Three Hundred and Fifty Four point Thirty



WEB COPY



Cont.P.No.39 of 2009

Seven) Acres. I submit that out of the 338 (Three Hundred and Thirty Eight) documents deposited by the second Respondent/Respondent, 43(Forty Three) documents do not form part of the list provided by the Applicant/Petitioner amounting to an extent of 10.52(Ten point Fifty Two) Acres. The below table explicates the number of documents deposited with its extent.

Description	Acres	Cent	Sum
295 Documents matches with KSL List	253.10	72.31	325.42
43 Documents are not in KSL List	25.85	3.10	28.95
Total Acres and Cents (338 Documents submitted)	278.95	75.42	354.37

	Acres and Cents
295 Documents matched with the list	325.42
43 Documents are not in their list	28.95
In Total	354.37
302 Documents from KSL Annexure	343.85
	+
	10.52

Thus, the Applicant/Petitioner were in fact given documents amounting to a larger extent of property than what was set out by the Applicant/Petitioner in their list.



WEB COPY



Cont.P.No.39 of 2009

5. I submit that the 2nd Respondent/ Respondent had deposited with the Registry of this Hon'ble Court all ythe documents reposed by the Applicant/Petitioner with them and do not possess anything additional. I further submit that the Title Deeds submitted by the 2nd Respondent/Respondent with the Registry covers a larger extent of property than what is stated by the Applicant/Petitioner to be the extent of the land. I submit that the 2nd Respondent/Respondent has deposited all the Title Deeds and as such do not know the whereabouts of the above mentioned documents nor are they in possession of the same. In any event, I submit and undertake that the 2nd and 3rd Respondents cannot in any manner deal with the properties covered under the documents mentioned by the Applicant/Petitioner as missing, since they do not even have such documents and in any event do not intend to deal with the said properties."

4. Likewise, paragraphs 2 to 4 of the affidavit of the first respondent are set out below:

"2. I submit that the Petitioner/Applicant after inspection confirmed the presence of the Share Certificates, however, I submit that the Applicant/ Petitioner had issued a letter stating that 5(five) Title



WEB COPY



Cont.P.No.39 of 2009

Deeds having description as follows were not part of the documents submitted by the second Respondent/Respondent:

S.No.	Year	Doc. No.	Seller	Buyer	Area	Survey No.	Extent	
							A	C
1.	1995	821	Sundaramurthi	Sporting past time India Pvt. Ltd	Cheyyur	219/1B 219/1C1	2 0	0.05 0.78
2.	1995	1475	Velayutham	Sporting past time India Pvt. Ltd	Cheyyur	236/3C	0	0.67
3.	1995	1475	Iyyakannu	Sporting past time India Pvt. Ltd	Cheyyur	222/21 224/8	1 0	0.12 0.12
4.	1997	52	V.Sambandan	Sporting past time India Pvt. Ltd	Cheyyur	236/3C3	0	0.66
5.	1995	51	V.Sambandan	Sporting past time India Pvt. Ltd	Cheyyur	246	1	0
			TOTAL-6.4 Acres				4	2.40

3. I submit that the second Respondent /Respondent had deposited 338(Three Hundred and Thirty Eight) documents amounting to a total extent of 354.37(Three Hundred and Fifty Four point Thirty Seven) Acres. I submit that out of the 338 (Three Hundred and Thirty Eight) documents deposited by the second Respondent/Respondent, 43(Forty Three) documents do not form part of the list provided by the Applicant/Petitioner amounting to an extent of 10.52(Ten point Fifty Two) Acres. The below table explicates the number of documents deposited with its extent.



Cont.P.No.39 of 2009

Description	Acres	Cent	Sum
295 Documents matches with KSL List	253.10	72.31	325.42
43 Documents are not in KSL List	25.85	3.10	28.95
Total Acres and Cents (338 Documents submitted)	278.95	75.42	354.37
			Acres and Cents
295 Documents matched with the list			325.42
43 Documents are not in their list			28.95
In Total			354.37
302 Documents from KSL Annexure			343.85
			+
			10.52

Thus, the Applicant/Petitioner were in fact given documents amounting to a larger extent of property than what was set out by the Applicant/Petitioner in their list.

4. I submit that the 2nd Respondent/Respondent had deposited with the Registry of this Hon'ble Court all the documents reposed by the Applicant/Petitioner with them and do not possess anything additional. I further submit that the Title Deeds submitted by the 2nd Respondent/Respondent with the Registry covers a larger extent of property than what is stated by the Applicant/Petitioner to be the extent of the land. I submit that the 2nd Respondent/Respondent has deposited all the Title Deeds and as such do not know the whereabouts of



Cont.P.No.39 of 2009

the above mentioned documents nor are they in possession of the same. In any event, I submit and undertake that the 2nd and 3rd Respondents cannot in any manner deal with the properties covered under the documents mentioned by the Applicant/Petitioner as missing, since they do not even have such documents and in any event do not intend to deal with the said properties."

4. By recording the statements made in the above affidavits, the contempt petition is closed. Notwithstanding the closure of the contempt petition, it is open to the contempt petitioner to apply for and obtain certified copies of the above mentioned five documents. Consequently, connected Sub Applications Nos.443 & 444 are also closed.

15.09.2022

Internet : Yes

Index : Yes

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Cont.P.No.39 of 2009

SENTHILKUMAR RAMAMOORTHY J.,

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Cont.P.No.39 of 2009



WEB COPY



Cont.P.No.39 of 2009

15.09.2022