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Cont.P.No.1464 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Cont.P.No.1464 of 2016

Harish Ori,
F/2/15, VI New Cross Street,
Dr.Subbarayan Nagar,
Chennai 600 083

... Petitioner

VS.

1.Mr.S.Thanigaivel
Proprietor
M/s.RSSS Pictures,
3/457 1st street, Kazura Garden
Chinna Neelangarai
Chennai 600 041.

2.P.Balasubramaniam
Sky Dot Films, Flat No.7,
3rd Floor, 10, Jawaharlal Nehru Street
T.Nagar, Chennai 600 017.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for committing Contempt of Court in the manner stated above especially by flouting and violating the Order dated 13.03.2015 in Application No.1796 of 2015 in C.S.No.638 of 2014 passed by this Hon'ble Court.

For Petitioner : Mr.R.Murugan for M/s.Rugan and Arya

For Respondent 1 : Mr.Arun Anbumani



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For Respondent 2 : Mr.S.Sathish Kumar

ORDER

The contempt petition arises out of an order dated 13.03.2015 by which the alleged contemnor was permitted to release the movie subject to two conditions. The first condition was that the alleged contemnor should deposit a sum of Rs.15,00,000/- to the credit of the suit. The second condition was that the alleged contemnor should deposit title deeds of a property of a value of Rs.25,00,000/-. According to the contempt petitioner, the second condition was not satisfied in as much as the value of the property provided as security was inadequate.

2. By order dated 31.01.2022, this Court took note of the above facts and directed the alleged contemnor to deposit a sum of Rs.10,00,000/- on or before 28.02.2022. Thereafter, the alleged contemnor obtained an extension of time to deposit the said sum of Rs.10,00,000/-. On 04.04.2022, this Court recorded that the alleged contemnor had submitted two demand drafts for an aggregate sum of Rs.7,00,000/-. By a subsequent order dated 27.04.2022, it was recorded that the remaining sum of Rs.3,00,000/- was also deposited. In effect, the alleged contemnor deposited a sum of Rs.10,00,000/- to make good the shortfall in the value of the security.



Although the contempt petitioner contended that the value of the property offered as security is much less than Rs.15 lakhs, the said contention is not tenable in view of the fact that this Court, by order dated 31.01.2022, directed the alleged contemnor to deposit a sum of Rs.10 lakhs to make good the shortfall in the value of the security. As such, nothing survives of this contempt petition. Accordingly, Cont.P.No.1464 of 2016 is closed.

3. It is needless to say that it is open to the plaintiff to prosecute the suit. It would be to the benefit of all the parties if the sum of Rs.10,00,000/- , which was deposited by the alleged contemnor, be placed in an interest bearing fixed deposit account. Consequently, the Registrar General of this Court is directed to establish a fixed deposit account to the credit of O.S.No.762 of 2022 from and out of monies deposited by the alleged contemnors. Such fixed deposit shall be for an initial term of one year on auto renewable basis until disposal of the suit.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rna

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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1. The Registrar General,
High Court, Madras 104
2. The Section Officer,
Accounts Section,
High Court, Madras