



Cont.A.No.8 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Contempt Appeal No.8 of 2022
and
C.M.P.No.16496 of 2022

M/s.Madras Enterprises,
Rep. by its Proprietor,
S.Nanthagopal,
No.54, Velayutham Colony,
2nd Street, Saligramam,
Chennai 600093.

..... Appellant

-Versus-

M/s.F.M.Finance & Investments,
Rep. by its Partner Mr.Praveen Kumar,
Son of Ramesh Kumar Jain,
No.61, Krishnappa Agraharam Street,
Kondithope, Chennai 600001.

.... Respondent

Petition filed under Section 19 of the Contempt of Courts Act, 1971,
praying to set aside the Order dated 25.04.2022 passed in Cont.P.No.397 of
2020 on the file of this court, by allowing this Contempt Appeal.



Cont.A.No.8 of 2022

For Petitioner : Ms.G.Sumitra

For Respondent : Mr.R.Vigneshkumar

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

This Contempt Appeal has been filed challenging the order of the learned single Judge dated 25.04.2022 made in Cont. P. No.397 of 2020.

2. This is second round of Contempt Appeal, the first round being Cont. A. No.1 of 2021, which was dismissed by this court on 30.04.2021 as under:-

“2. Therefore, on the undertaking given by the learned counsel for the appellant, a total sum of Rs.15 lakhs was paid in installments by the appellant to the respondent.

3. On 27.04.2021, this Court passed the following order:

“The learned counsel for the petitioner (sic appellant) submitted that if time is granted till 30.04.2021, the petitioner (sic appellant) will pay a sum of Rs.5



Cont.A.No.8 of 2022

lakhs to the respondent. Recording this undertaking, this matter stands adjourned to 30.04.2021.”

4. Today, when the matter was taken up for hearing, the learned counsel for the appellant and the respondent submitted that the appellant was not able to comply with the undertaking that was given on 27.04.2021.

Since, the appellant is not able to comply with the undertaking given by him, this contempt appeal stands dismissed. Connected C.M.Ps. are closed.”

3. Thereafter, the matter went back to the learned single Judge, who, by order dated 25.04.2022, has convicted and sentenced the appellant as under:-

“29. In the case on hand, the contemnor had urged the Court to vacate the interim order on the specific condition that he would pay a sum of Rs.1,50,00,000/- on or before 14.02.2020 and had also reduced this promise in the form of affidavit of undertaking dated 03.02.2020. This undertaking has been flouted by the contemnor who has only paid a meagre sum of Rs.15,00,000/-. The contemnor had the benefit of his movie being released and the same having played in the



theaters for some time. However, the contemnor has not kept up with the promise in the undertaking. The furnishing of the undertaking and its breach is admitted by the contemnor.

30. The contemnor is punished to undergo two months of simple imprisonment.

31. I direct the XXIII, Metropolitan Magistrate, Saidapet to issue appropriate warrant addressed to the Commissioner of Police, Greater Chennai Police, Commissioner Office Building, Vepery, for causing production of the respondent. On such production, the XXIII, Metropolitan Magistrate, Saidapet, shall commit the respondent to prison for undergoing the period of sentence.

32. In the result, this contempt petition stands ordered on the above terms.”

4. Challenging the order dated 25.04.2022, the present Contempt Appeal has been filed.

5. Heard Ms.G.Sumitra, the learned counsel for the appellant and Mr.R.Vigneshkumar, learned counsel for the respondent.



Cont.A.No.8 of 2022

6. We find that the learned single Judge had given a very long rope to the appellant from time to time for complying with the orders passed in the suit, which the appellant had failed to comply with. Even now, the appellant has not complied with the orders of the learned single Judge in C.S.(Comm. Div.) No.37 of 2020. In such view of the matter, we find no merits in this appeal and the same deserves only to be dismissed.

7. However, Ms.G.Sumitra, learned counsel for the appellant, prayed for expunging the observations made by the learned single Judge in para 18 & 19 of the order dated 25.04.2021 in Cont.P.No.397 of 2020 on the ground that she had never intended to show any disrespect to the court and that she has been practising on the civil side for over 20 years and has not come to the adverse notice of any other court. She has also filed an affidavit dated 30.11.2022 sincerely apologising. In the said affidavit, she has stated as follows:-

“3. I submit that certain remarks have been made at paragraph Nos.17 & 19 of the above said order dated 25.04.2022, passed in the above Contempt Petition No.397 of 2020, against me, as the counsel, who had appeared for the contemnor therein.



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Cont.A.No.8 of 2022

4. I respectfully submit that I have never shown any disrespect to the court. I never had any intention of disrespecting the Court, its Majesty and its Decorum. I hereby tender my sincere apologies. The above remarks may be removed, accepting the above submission.”

8. Accepting the explanation and the apologies tendered by Ms.G.Sumitra, learned Advocate, the remarks made against her in paragraphs 18 & 19 of the order dated 25.04.2022 made in Cont.P.No.397 of 2020 stand expunged.

In the result, this Contempt Appeal is dismissed, however, the observations made by the learned single Judge in the order dated 25.04.2022 in Cont.P.No.397 of 2020 at paragraphs 18 & 19 stand expunged. The XXIII Metropolitan Magistrate, Saidapet, Chennai, is directed to comply with the order dated 25.04.2022 in Cont.P.No.397 of 2020. Consequently, connected CMP stands closed.

(P.N.P., J.) (TKR., J.)
30..11..2022

Index: Yes/No
kmk
To

Page 6 of 8



Cont.A.No.8 of 2022

The XXIII Metropolitan Magistrate, Saidapet, Chennai

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Cont.A.No.8 of 2022

P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,

kmk

Cont. Appeal No.8 of 2022

30..11..2022