



WEB COPY



Cont.P.No.813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Contempt Petition No.813 of 2022

C.Sundaravadanam

..... Petitioner

-Versus-

B.Premanand

.... Respondent

Petition filed Sections 10 & 12 of the Contempt of Courts Act, 1971, praying to punish the respondent herein for wilful and deliberate disobedience of the decree dated 04.03.2021 made in O.S.No.5016 of 2015 by the learned VIII Assistant Judge, Civil Court, Chennai, committed on 15.10.2021 at 3' O clock.

For Petitioner : *Mr.S.Balasubramanian* for
Mr.G.Dhanasekaran

For Respondent : *Mr.Mohammed Fayaz*



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ORDER

[Order of the court was made by N.ANAND VENKATESH.J.,]

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This contempt petition has been filed by the petitioner/1st plaintiff on the ground that the respondent/defendant had wilfully and deliberately disobeyed the judgement and decree passed in O.S.No.5016 of 2015 by the learned VIII Assistant Judge, City Civil Court, Chennai dated 04.03.2021.

2. The case of the petitioner is that he along with one Vasudevan and Gajapathy filed a suit in O.S.No.5016 of 2015 on the file of the learned VIII Assistant Judge, City Civil Court, Chennai, against the respondent herein seeking for the relief of permanent injunction. The property in question is house, ground and premises admeasuring 2,283 square feet situated at No.53/21, Mint Subbarayalu Naidu Street, Old Washermenpet, Chennai 600021. The said suit was contested and a judgement and decree was passed by the trial court on 04.03.2021. Aggrieved by the same, the respondent/defendant filed an appeal suit in A.S.No.70 of 2021 and the same is pending on the file of the learned III Additional Judge, City Civil Court, Chennai.



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3. The grievance of the petitioner is that the respondent had falsely lodged a complaint before the H-4 Korukkupet Police Station, Chennai 600021 and attempted to trespass into the suit property along with his henchmen. According to the petitioner, this act of the respondent amounted to intentional breach of the judgement and decree passed by the learned III Assistant Judge, City Civil Court, Chennai. On this ground the present contempt petition was initiated.

4. The respondent filed counter affidavit. Most part of the counter affidavit deals with the merits of the case. For the purposes of this contempt petition, it will suffice, if para 8 of the counter affidavit is extracted hereunder:-

“8. I deny the averment contained in paragraph Nos.6 and 7 as false. I most humbly submit that I have not threatened the petitioner and neither have I interfered in the plaintiff's peaceful possession of suit property. I have only questioned the act of plaintiff in altering and modifying the nature of the suit property which is subject matter of appeal in A.S.No.70 of 2021 before the III Additional City Civil Court, Chennai.”



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5. Heard Mr.S.Balasubramanian, learned counsel for the petitioner and Mr.Mohammed Fayaz, learned counsel for the respondent.

6. The learned counsel for the respondent submitted that the respondent had purchased the adjacent properties and he was attempting to enter into those properties. That apart, the respondent has no intention to disturb the peaceful possession and enjoyment of the suit properties by the petitioner and the respondent will workout his remedy in the appeal in A.S.No.70 of 2021 pending on the file of the III Additional Judge, City Civil Court, Chennai. It was, therefore, submitted by the learned counsel for the respondent that the respondent will not interfere with the possession and enjoyment of the suit properties of the petitioner and he will workout his remedy in the pending appeal suit and thereafter, act based on the final result in the appeal suit.

7. Considering the stand taken in the counter affidavit and the submission of the learned counsel for the respondent, it will suffice if the undertaking given by the respondent is recorded.



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(P.N.P., J.) (N.A.V.,J.)
14..12..2022

Index : yes/no
Internet : yes/no
kmk

To

- 1.The III Additional Judge, City Civil Court, Chennai.
- 2.The VIII Assistant Judge, Civil Court, Chennai.



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AND
N.ANAND VENKATESH.J.,

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