



Cont.P.No.95 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.10.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

Cont.P.No.95 of 2019

1.Mr.C.Daniel

2.Mrs.Sulochana C.Daniel

3.Mrs.Gladys Rosette C.Daniel

... Petitioners

Vs

1.Mr.V.Krishna Reddy,
M/s.Sri Sreenivasa Constructions,
Represented by its Authorized Signatory,
No.5 & 6, Second Floor,
No.10, 50th Street, Ashok Nagar,
Chennai-600 083.

2.Mr.V.Krishna Reddy

3.Mr.B.Vishnu Sashankar

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the Respondents for contempt of Court Committed by them in their willful and deliberate disobedience of the orders granted in terms of Memo of Compromise on 06.10.2017 by this Court in O.A.No.349 of 2017 on the file of the original side of this Court.



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For Petitioners : Ms.J.Vennila
for Mrs.Gladys Daniel
For Respondents : Mr.V.Kubera
for M/s.Rank Associates

ORDER

This Petition has been filed alleging contempt in respect of an order passed in O.A.No.349 of 2017 on 06.10.2017. The original application had been filed by the first respondent in the contempt petition, under Section 9 of the Arbitration and Conciliation Act, 1996 (in short 'Act') seeking an order of injunction restraining the respondents therein from in any manner cancelling or revoking power of attorney dated 30.05.2011 including presenting such a deed of revocation for registration and communicating the order to the Sub-Registrar Office, Selaiyur pending disposal of the arbitration proceedings.

2.The original application had been filed seeking relief in respect of a property admeasuring about 14,488 grounds comprised in S.No.9B/5, New S.No.9B/5A1, Velachery Main Road, Selaiyur Village, Tambaram Taluk (schedule property). The parties had entered into a joint development agreement dated 30.05.2011 for development of the schedule property and disputes had arisen in that regard.

3. The OA had come to be closed in light of a memo of compromise (MOC) entered into between the applicants and respondents on 06.10.2017,



touching upon the development of the schedule property and upon various differences that had arisen between the parties. At Clause-24 the parties agree that the MOC entered into was final and binding upon both the parties.

4. I am not persuaded to accept the prayer of the petitioners for several reasons. Firstly, the applicant in the Original Application had filed an arbitration application on 10.08.2020 before the sole Arbitrator and after hearing both parties, an award dated 06.03.2021 came to be passed by the learned Arbitrator, in favour of the applicant in the Original Application. The award is stated to have achieved finality. The petitioners are, undoubtedly, at liberty to seek enforcement of that award in a manner known to law.

5. That apart, the allegation of breach of the conditions agreed upon in the memo of compromise is belated, insofar as the order, in terms of which contempt is alleged, has been passed in 2017, whereas the contempt petition has been filed only in 2019. An additional affidavit has been filed by the petitioner on 12.10.2022 that contains several allegations that do not find place in the contempt petition.

6. The respondent relies upon a decision of the Delhi High Court in the case of *Hindustan Motors Ltd. v. Amritpal Singh Nayar & Another* [2002 (64) DRJ 394 (DB)]. At paragraphs 1 to 15, the Bench narrates the details of the litigation inter se the parties and the compromise that had been entered into by



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the parties therein. At paragraphs 16 to 18 they reiterate the settled position that a compromise is an agreement between the parties with the seal of the Court.

7. In this case, both the MOC as well as the Award passed by the Arbitrator have attained finality and no justification is made by the petitioners for this Court to intervene. In light of the discussion as aforesaid, this Contempt Petition is bereft of any merit and is dismissed. No costs.

13.10.2022

vs

Index : Yes / No

Speaking Order

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