

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE M.LAXMAN

CONTEMPT CASE NO: 1966 OF 2022

Contempt Case under Section 10 to 12 of Contempt of Courts Act to punish the Respondent herein for, willfully violating, the order of the High Court dated 29/10/2018 in I.A. No. 1 of 2018 in A.S. No. 1391 of 2018.

Between:

1. A. Rajamallaiiah (Died),
2. Smt. A. Anusuya, W/o. Late A. Rajamallaiiah, Aged about 69 years, Occ. Household, Resident of House No. 7-1-32, Mankammathota, Karimnagar.
3. A. Jagadeshwar, S/o. Late A. Rajamallaiiah, Aged about 69 years, Occ. Legal Practitioner, Resident of House No. 7-1-32, Mankammathota, Karimnagar.
4. Dasari Anuradha, D/o. Late A. Rajamallaiiah, Aged about 49 years, Occ. Household, Resident of House No. 7-1-32, Mankammathota, Karimnagar.
5. A. Ramesh, S/o. Late A. Rajamallaiiah, Aged about 46 years, Occ. Business, Resident of House No. 7-1-32, Mankammathota, Karimnagar.

...PETITIONERS/PETITIONERS/APPELLANTS

AND

Arutla Venu, S/o. Kanakaiah, Aged about 56 years, Occ. Business, R/o. House No. 3-8-388/6/26, Mettuguda, Secunderabad.

...RESPONDENT NO.1/RESPONDENT NO.1/RESPONDENT NO.1

Counsel for the Petitioners: SRI. K V RAJENDRA PRASAD

Counsel for the Respondent: ---

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE M.LAXMAN
CONTEMPT CASE No.1966 of 2022

ORDER:

1. This Contempt Case is filed alleging willful violation of the order of this Court dated 29.10.2018 in I.A.No.1 of 2008 in A.S.No.1391 of 2018, by the respondents.

2. The plaintiff has filed a suit i.e., O.S.No.242 of 2004 against the respondents herein/defendants, seeking partition of the suit properties, on the file of the learned Senior Civil Judge, Karimnagar. During the pendency of the suit, the plaintiff filed I.A.No.1463 of 2004 seeking injunction restraining the respondents herein/defendants from interfering with his possession over the suit schedule property. The trial Court, by an order dated 03.01.2005 has granted interim injunction. Subsequently, the suit was transferred to learned V Additional District Judge, Karimnagar and re-numbered as O.S.No.15 of 2006 and interim injunction was in force until disposal of the suit. Subsequently, the suit was decreed on 09.03.2018.

3. Subsequently, the respondents herein/defendants have filed A.S.No.1391 of 2018, within the period of limitation. During the pendency of the same, the petitioners herein, who are the legal representatives of the plaintiff, have filed I.A.No.1 of 2018 and this

Court by order dated 29.10.2018, granted interim injunction restraining the respondents herein/defendants not to alienate the suit schedule property. However, order of the trial Court has been violated by the respondents herein/defendants. Hence, the present contempt case.

4. The main grievance of the learned counsel for the petitioners herein is that respondent No.1 alienated "A" schedule property by way of gift deed dated 30.10.2017 in favour of his wife and also executed rectification deed dated 25.08.2018 and such acts of respondent No.1 amounts to contempt.

5. As seen from the annexures to the present contempt case, on 03.01.2005, the learned Senior Civil Judge, Karimnagar, has granted an ex-parte ad interim injunction until further orders. It is not known that while granting such interim injunction, the appearance of the respondents was there and the matter was taken on merits or not. Subsequently, the suit was transferred to the learned V Additional District Judge, Karimnagar. It is not known from the records whether the District Court has extended such interim orders. Further, the contempt is filed in IA in appeal. When the alienation is made, no orders are passed in IA.

6. In the said circumstances, I do not find any merits in this contempt case. Accordingly, this contempt case is dismissed.

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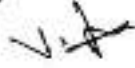
SD/- B. SATYAVATHI
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. Sri Arutla Venu, S/o. Kanakaiah, Aged about 56 years, Occ. Business, R/o. House No. 3-8-388/6/26, Mettuguda, Secunderabad.
2. One CC to SRI. K V RAJENDRA PRASAD Advocate [OPUC]
3. Two CD Copies

KKS



HIGH COURT

DATED:06/12/2022

ORDER

CC.No.1966 of 2022



DISMISSING THE CC

⑤ VW
6/2/23