



Sub.Appl.Nos.90 & 91 of 2023

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in
Cont.P.No.2416 of 2013

P.T.Asha, J.

Sub.Appl.No.90 of 2023:

The above petition is filed for recalling the order dated 17.12.2020 passed in Cont.P.No.2416 of 2013 and to restore the Contempt Petition. Before proceeding to discuss the Sub Application, it is necessary to just extract the order passed in Cont.P.No.2416 of 2013 on 17.12.2020:

“In the above contempt petition, the notes paper indicates that the petitioner, after filing the petition has not been prosecuting the same. The contempt that is alleged is that the respondent has not returned the vehicle bearing Registration No.TN-09-AP-3845 (Honda City Car) as per the order of this Court dated 25.07.2013. In the petition, though the petitioners has stated that the vehicle had not been returned, thereafter, the same has not been substantiated by the petitioners. In fact, the legal notice has been issued on the



Sub.Appl.Nos.90 & 91 of 2023

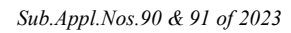
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very next day, after the order was passed. The Court can only infer that the vehicle has since been returned and that is the reason why the petitioners has not evinced any interest in proceeding with the present petition.

2. Therefore, this Contempt Petition is dismissed as not proved.”

2. On the date on which the order was passed, there is no appearance for the petitioners. The Sub Application is filed on the contention that on 17.12.2020, the petitioners could not appear before the Court on account of the COVID protocol. Except for this reason, no other reason has been given in the petition for the non appearance of the petitioners before this Court.

3. However, a perusal of the contempt proceedings would show that the Contempt Petition has been filed as early as on 04.10.2013. When the matter had first come up on 09.10.2013, the same was adjourned at request of the petitioners by four weeks. Thereafter, the matter was listed on



4. The matter was next listed on 21.07.2014, where once again the matter was adjourned by two weeks. The matter was thereafter came up only on 27.07.2018, on which date the petitioners was absent and the matter was directed to be listed for orders on 17.08.2018. However, the matter did not appear and neither did the petitioners take any steps to have the same listed.

5. The above notes would clearly show that the petitioners who have filed the Contempt Petition have not submitted arguments in the case. Thereafter, the matter came up on 11.12.2020 on which date also there was no representation for the petitioner. Therefore, the matter was directed to be listed under the caption “*for orders*” on 17.12.2020. On 17.12.2020 once again there was no representation and this Court taking into account



Sub.Appl.Nos.90 & 91 of 2023

the earlier conduct of the petitioners has proceeded to dismiss the Contempt Petition.

6. It is to recall this order that the above Sub Application has been filed. However, there is no explanation on the side of the petitioners as to why the petitioners have not proceeded with the Contempt Petition from the year 2013 till 2018 for nearly 5 years. The COVID protocol had kicked in place only in the year 2020 and the Courts were functioning through Video Conferencing and the matters were being heard and orders being pronounced. The Advocates and the parties had the benefit of sitting in their house and accessing the Courts. Even this has not been taken advantage by the petitioners. On the contrary, the petitioners have only stated that on 17.12.2020, they could not appear because of the COVID protocol. There is no convincing reason given for recalling the order dated 17.12.2020. Therefore, the above Sub Application is dismissed.



Sub.Appl.Nos.90 & 91 of 2023

Sub.Appl.No.91 of 2023:

7. In the light of the Order passed in Sub.Appl.No.90 of 2023, the present Sub Application is also dismissed.

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Sub.Appl.Nos.90 & 91 of 2023

P.T.Asha, J.

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Sub.Appl.Nos.90 & 91 of 2023

23.02.2023