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Cont.P. No.181 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Contempt Petition No.181 of 2022 and
Sub Application Nos.312 and 621 of 2023

Akbar Basha

.. Petitioner

Versus

1.B.Kavitha

(1st respondent deleted as per the order
of this Court made in Cont. P. No.
181 of 2022 dated 19.06.2023)

2.M/s.India Infoline Finance Limited,
rep. by its Managing Director,
No.1, Masilamani Street,
Pondi Bazaar,
T.Nagar, Chennai-600 017.

.. Respondents

(suo motu impleaded as second respondent
as per the order of this Court dated 05.01.2023
made in Contempt Petition No.181 of 2022)

Prayer: Petition filed under Sections 11 and 12 of Contempt of Court Act, 1971 to punish the second respondent for the willful breach of an undertaking given to this Court.



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Cont.P. No.181 of 2022

For Petitioner : Ms.Kanmani Annamalai
For R2 : Mr.M.S.Krishnan,
Senior Counsel for
Ms.Abitha Banu

ORDER

This Contempt Petition has been filed by an Advocate Commissioner appointed by this Court pursuant to an order passed by this Court in Application No.6850 of 2018 filed under Section 9 of the Arbitration and Conciliation Act appointed in the year 2019.

2.The Advocate Commissioner was directed to repossess the vehicle. However, the second respondent, namely, M/s.India Infoline Finance Limited had repossessed the vehicle on its own without informing the Advocate Commissioner.

3.In such circumstances, a notice was issued by the petitioner to the second respondent. Since the same was not responded to by the second respondent, this Contempt Petition has been filed.

4.Learned Senior Counsel appearing for the second respondent would submit that inadvertently, the second respondent did not inform



Cont.P. No.181 of 2022

the seizure of the vehicle on its own to the Advocate Commissioner. He would also submit that the second respondent has taken a Demand Draft for Rs.10,000/- payable to the Advocate Commissioner as per the order of this Court passed in the year 2019.

5.However, in view of the improper conduct of the second respondent in not making the payment of Rs.10,000/- towards initial remuneration payable to the Advocate Commissioner, this Court deems it fit to award an additional sum of Rs.15,000/- towards additional remuneration to the Advocate Commissioner since the initial remuneration ought to have been paid to the Advocate Commissioner in the year 2019 itself.

6.Learned counsel for the petitioner is also agreeable for the said direction being issued by this Court.

7.The presence of the Contemnor is also dispensed with in view of the submission made by the learned Senior Counsel for the petitioner that being the Managing Director, he is away in Mumbai.



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Cont.P. No.181 of 2022

ABDUL QUDDHOSE, J.

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8.For the foregoing reasons, this Contempt Petition is closed by issuing a direction to the second respondent to hand over the Demand Draft, which is produced before this Court today for a sum of Rs.10,000/- to the Advocate Commissioner concerned. The second respondent is further directed to pay an additional sum of Rs.15,000/- towards additional remuneration to the Advocate Commissioner, within a period of three days from the date of receipt of a copy of this order. Consequently, Sub Applications are closed.

29.08.2023

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