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Sub Appln.No.379 of 2023

Sub Appln.No.379 of 2023
in
Cont P.SR.No.145136 of 2022

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR. J]

Captioned main contempt petition is predicated on a complaint of alleged violation / breach of a judgment and decree dated 19.04.2004 in O.S.No.3603 of 2023 on the file of learned VII Assistant Judge's Court, City Civil Court, Chennai. This judgment and decree dated 19.04.2004 shall hereinafter be referred to as 'said judgment and decree' and this VII Assistant Judge's Court, City Civil Court, Chennai shall hereinafter be referred to as 'trial Court', both for the sake of convenience and clarity.

2. In the trial Court, a Residents' Welfare Association is the sole defendant. The said judgment and decree is an injunction decree.

3. Learned counsel for applicants submits that second respondent in the captioned application was the representative of the sole defendant entity at the time of institution of suit in the trial Court and therefore, applicants want to pursue the contempt against her. Before we proceed further, we record the submission that the sole defendant entity is a registered society.



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4. We are of the view that the captioned sub application is really not necessary as a contempt petition can be filed even against a third party subject of course to contempt petitioner satisfying all the requisite determinants / parameters.

5. In the light of the narrative thus far, captioned Sub Application is disposed of as closed albeit making it clear that if there are any objections by the Registry, the matter shall be listed for maintainability before this Court and this Court will decide the issue. There shall be no order as to costs.

[M.S., J] [K.G.T., J]
06.06.2023
(2/2)

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