



Cont.P.No.415 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

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1.R.Santhakumari  
2.R.Prasanth  
3.R.Pannerselvam

... Petitioners

Vs.

P.N.Rajendran

... Respondent

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for willfully disobeying and violating the orders of this Court dated 26.03.2021 made in CrI.O.P.No.12004 of 2017 in spite of him having been notified of the said order.

For Petitioner : Mr.C.Gunasekaran

For respondent : Mrs.S.Thamizharasi

**ORDER**

This contempt petition has been filed by the petitioners in CrI.O.P.No.12004 of 2017 for the respondent's non compliance of the order



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dated 26.03.2021.

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2. The said Criminal Original Petition has been filed seeking to set aside the order passed by the learned District Judge-2, Kancheepuram in CrI.R.P.No.7 of 2013 dated 25.08.2015, wherein it had set aside the order of maintenance directed to be paid by the respondent in M.C.No.10 of 2004 by the learned Judicial Magistrate – I, Kancheepuram. The petitioners and the respondent during the pendency of the above contempt petition had arrived at a consensus and the respondent had settled the three properties viz., properties as mentioned in Doc.No.92 of 1990 dated 24.01.1990, Doc.No.2466 of 1992 dated 28.12.1992 and Doc.No.937 of 1997 dated 29.03.1997 on the file of the Kancheepuram, Sub Registrar Office in favour of the first petitioner. He had also filed an affidavit to that effect which is extracted hereunder:

*“I, P.N.Rajendran son of Nataraja Mudhaliyar, residing at No.214/E Seshadripalayam Street, Little Kanchipuram, kancheepuram, now having come down to Chennai do hereby solemnly affirm and states as follows:*



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1. I submit that the respondent filed a maintenance petition as against me in M.C.No.10 of 2004 on the file of Judicial Magistrate No.I in Kancheepuram and the same was allowed, I was directed to pay Rs.1,00/- per month to petitioner on or before the 5<sup>th</sup> day of the month and further directed to pay a sum of Rs.5,000/- per year before 30<sup>th</sup> of January.

2. I submit that as against the order passed in M.C.No.10 of 2004, I preferred a Revision in Crl.R.P.No.7 of 2013 before the learned District Judge, District Court No.II, Kanchipuram. I submit that the said revision petition was allowed by setting aside the order passed in M.C.No.10 of 2004 dated 01/08/2013.

3. I submit that aggrieved by the same, the respondent herein preferred a Criminal Original Petition in Crl.O.P.No.12004 of 2017, before this Hon'ble Court praying to set aside the order date 25/08/2015 passed in Crl.R.P.No.7 of 2013 on the file of the District judge, District Court No.II, Kanchipuram. I submit that this Hon'ble Court allowed the above Criminal Original Petition in Crl.O.P.No.12004 of 2017 vide order dated 26/03/2021.

4. I submit that the above contempt petition has



*been filed by the petition against me for non compliance of the order of this Hon'ble Court dated 26/03/2021 made in Crl.O.P.No.12004 of 2017.*

*I submit that I hereby undertake as follows:*

*1. That I will not make any encumbrance in the below mentioned properties:-*

*i. Property as mentioned in Doc.No.92 of 1990 on the file of Kancheepuram, Sub Registrar Office, executed on 24/01/1990 is in the name of the petitioner R.Santhakumari.*

*ii. Property as mentioned in Doc.No.2466 of 1992 on the file of Kancheepuram, Sub Registrar Office, executed on 28/12/1992 is in the name of the petitioner R.Santhakumari.*

*Iii. Property as mentioned in Doc.No.937 of 1997 on the file of Kancheepuram, Sub Registrar Office, executed on 29/03/1997 is in the name of the petitioner R.Santhakumari.*

*2. The above mentioned properties were purchased by me in the name of the petitioner and also the possession is in the hand of the Petitioner. I will not interfere with the peaceful possession and enjoyment of the above mentioned properties.”*



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3. Further the respondent is present through virtual mode, and he confirms whatever is stated in the affidavit and abides by the affidavit and undertaking.

4. It is seen from the affidavit that though the properties stand in the name of the first petitioner, it was the respondent who had purchased the same. He fairly gives an undertaking that he will not interfere with the above properties by making any encumbrances to the properties, thereby diminishing the value of the properties or enjoyment of the petitioners. The learned counsel for the petitioners is agreeable to the same and he has also submitted that the issue between the parties has been given a quietus and the respondent has complied with the order of this Court to their satisfaction. Recording the same, this contempt petition is closed.

**10.11.2023**

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Index: Yes/No

Speaking Order/Non-speaking order

Neutral Citation: Yes/No

**M. NIRMAL KUMAR, J.**

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