



Cont. Petn. No.1179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM: JUSTICE N.SESHASAYEE

Contempt Petition No.1179 of 2023 and
Sub Application No.386 of 2023

D.Balasundaram

... Petitioner

Vs.

1.D.Chittibabu

2.C.Sulochana

... Respondents

PRAYER: Contempt Petition filed under Sections 11 & 12 of the Contempt of Courts Act, 1971 to punish the respondents for committing contempt of court for their wilful disobedience of the order passed in C.R.P. No.499 of 2022 dated 02.03.2022.

For Petitioner : Mr.V.Balakrishnan

For Respondents : Mr.V.Seshachari for R1 & R2

ORDER



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While the counsel for the respondents submits that the order has been complied with, the petitioner's counsel opposes it on the ground that the amounts are deposited only when the contempt is activated. While the counsel for the contemnors, however, would submit that since the tenants paid rent belatedly, the deposit was also made belatedly.

2.This contempt arises out of an order passed in C.R.P. No.499/2021, which itself arises out of an order in an interim application in I.A. No.384 of 2017 in O.S. No.121/2017 on the file of the Principal District Munsif, Poonamallee. Now the parties are referred to the learned Principal District Munsif and the learned Judge is required to submit a periodical statement about the promptness with which the deposit of rent is made by the petitioner.

3.This court understands that despite a direction to the learned Judge to dispose of the suit by December 2022, the suit is still kept alive. The learned Principal District Munsif, Poonamallee, is now required to bestow his attention for the disposal of the suit. The learned counsel for the contemnors/defendants would submit that the defendants would lend their cooperation for the disposal of the suit. Now, the trial court is required to dispose of O.S. No.121 of 2017, latest by



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4. This court is informed that the defendants in the suit had taken out an application for appointing a Commissioner for surveying the property in dispute and that this court has appointed a Commissioner and the case is hibernating right there for several months now. The learned Judge is now required to activate this case from his hibernation and is required to ensure that the case is disposed of latest by 30.11.2023. To prevent further acrimony between the parties, this court directs that the contemnors/defendants in the suit, shall not lease out the property to any third parties, without the notice of the court.

5. With the above direction, the contempt petition is closed. No costs. Consequently, the connected sub application is also closed.

21.07.2023

Asr

Index : Yes/No

Speaking/Non Speaking order

To

The Principal District Munsif, Poonamallee



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N.SESHASAYEE, J.,

Asr

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