



Sub Appln.No.432 of 2023

Sub Appln.No.432 of 2023
in
Cont P.No.1140 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

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

Main contempt petition has been filed complaining of breach of undertaking given vide Memoranda of undertaking in I.A.Nos. 2 and 3 of 2022 in O.S.No.77 of 2022 [both memoranda dated 05.09.2022] on the file of 'learned District Judge's Court, Udthagamandalam' [hereinafter 'trial Court' for the sake of convenience and clarity].

2. The main contempt petition was originally filed by second plaintiff in the trial Court. Now, the fourth plaintiff in the trial Court wants to join him as co-petitioner i.e., second petitioner and that is the plea in the captioned sub application.

3. Considering the nature of the plea and owing to the fact that issue of notice or otherwise in the main contempt petition will be tested on merits and in accordance with law when the contempt petition is listed for admission, we deem it appropriate to say that notice to respondents at this stage in the captioned sub application is not necessary for disposal of the captioned sub



WEB COPY



Sub Appln.No.432 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

mk

application. In the light of the narrative thus far, considering the innocuous nature of prayer and taking into account the position that it does not affect the rights of respondents in any manner, we deem it appropriate to allow the captioned sub application.

4. Captioned Sub Application is ordered as prayed for.

5. Learned counsel for petitioner i.e., first petitioner (Mr.R.Harikumar) to carry out necessary and consequential amendments in the case file within a fortnight from today i.e., by 04.07.2023.

List the main contempt petition on 06.07.2023.

[M.S., J] [R.S.V., J]
20.06.2023

mk

Sub Appln.No.432 of 2023
in
Cont P.No.1140 of 2023