



WEB COPY



Cont.P.No.2048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

Cont.P.No.2048 of 2023

V.Vignesh

...Petitioner

Vs.

Dr.Tuli Roy

...Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for contempt & willful disobedience of the order dated 28.03.2022 passed by this Hon'ble Court in W.P.No.11213/2019.

For Petitioner : M/s.Anu Ganesan
For Respondent : Mr.Vijay Narayan
Senior Counsel
for Mr.T.Poornam

ORDER

Heard Ms.Anu Ganesan, learned counsel for the petitioner and Mr.Vijay Narayan, learned Senior Counsel appearing on behalf of Mr.T.Poornam, learned counsel for the respondent.

2. The order, for non compliance of which contempt is alleged, is



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dated 28.03.2022. The directions in the aforesaid order are set out at paragraph 33.

3. The order impugned in the Writ petition was quashed, the complaint of the petitioner dated 14.12.2018 was restored to the file of R1, R1 was to hear the petitioner, look into the rival claims and come to a reasoned conclusion with a period of eight weeks from the date of uploading of the order.

4. R1 has passed a order on 23.05.2022, which both the learned counsel agree, are within the timeline fixed by the Court. However, the petitioner was not heard. To this extent, there is contempt.

5. Mr.Narayan, on instructions, states that order dated 23.05.2022 will be withdrawn, seeing as there is a breach of the directions in order dated 28.03.2022.

6. Both parties agree that the petitioner will appear before R1 on 01.12.2023 at 10.30 a.m., without awaiting any further notice in this regard. The petitioner shall be heard and the directions set out at paragraph 33 of order dated 28.03.2022 shall be scrupulously adhered to.

7. Let orders be passed by R1 within a period of four (4) weeks from 01.12.2023 i.e., on or before 01.01.2024. The parties would also agree that



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the complaint shall be disposed in accordance with the Banking Ombudsman Scheme, 2006.

8. With this, this Contempt Petition is closed. For non-compliance of one critical aspect of order dated 28.03.2022, warranting the filing of the contempt petition, costs of Rs.25,000/- (Rupees Twenty Five Thousand only) is imposed upon the respondent, payable to the Cancer Institute, Adayar, Chennai, within a period of two (2) weeks from today. Proof of payment to be filed with the Registry.

22.11.2023

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Index : Yes/No

Speaking Order

Neutral Citation : Yes



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Dr.ANITA SUMANTH,J.
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