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Contempt Petition No.2640 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

Contempt Petition No.2640 of 2022

Gandhi

... Petitioner

Vs.

1.Krishna Udayar

2.Moorthy

... Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents for the deliberate disobedience of direction of this High Court dated 27.03.2023 in C.M.P.No.5670 of 2023 in A.S.No.64 of 2023.

For Petitioner : Mr. A. Thameem Mohideen

For Respondents : Mr. R. Rajesh

ORDER

This Contempt Petition has been filed complaining wilful disobedience of the order dated 27.03.2023 in C.M.P.No.5670 of 2023 in A.S.No.64 of 2023 by the respondents.



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2. The learned counsel appearing for the respondents submitted that the first respondent is the father of the revision petitioner who is aged about 85 years old and self acquired property was sold. The second respondent is the brother of the revision petitioner, who also sold self acquired property. Therefore, the alleged contempt proceeding is not maintainable against them.

3. Admittedly, the appeal is pending before this Court in A.S.No.64 of 2023, the respondents herein are claiming that the suit properties are self acquired properties. On the other hand, the revision petitioner is claiming that it is an ancestral property. Therefore, this Court directs both parties to work out their remedy before the appellate Court as early as possible, since the first respondent is aged about 85 years old.

4. With the above direction, the Contempt Petition is closed.

14.12.2023

Index :Yes/No

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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