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Contempt Petition No.151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

Contempt Petition No.151 of 2023

M.Gagan Bothra

... Petitioner

Vs

Pushparaj
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai – 600 001.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willful disobedience of the order dated 29.10.2021 passed by the learned Master of this Hon'ble Court in A.No.3680 of 2021 in E.P.No.117 of 2015.

For Petitioner : Party-in-Person

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.side)

ORDER

This instant Contempt Petition has been filed against the respondent for his willful, deliberate, disobedience of the order passed by



the learned Master in Application No.3680 of 2021 in E.P.No.117 of 2015
dated 29.10.2021.

2.The case of the petitioner/ Party-in-Person is that an order of arrest was served on the respondent by the bailiff of this Hon'ble Court and the respondent had not taken any action whatsoever in executing the order of arrest issued by the learned Master.

3.He would submit that on 17.08.2022, the respondent was present before the learned Master and had sought one month time to arrest the judgment debtor. Hence, at his request, the case was adjourned to 19.10.2022. He would submit that he has been trying to meet the respondent to request him to effect the execution of the order of arrest. But, without executing the warrant, the respondent has been abusing the petitioner. He would submit that the respondents do not have any respect to the orders of this Court and by ignoring the order is trying to shield the judgment debtor. Hence, he had come by way of this Contempt Petition.



4.A Counter affidavit has been filed by the respondent herein, wherein, he had explained that on receipt of warrant of arrest, he had been taking serious steps to execute the same. But, however, he would submit that he is not able to secure the judgment debtor as he is not presently residing in the said address. He had also produced a certificate issued by the Revenue Inspector-I, Mylapore Taluk, indicating that the judgment debtor is not residing in the said place as he had gone to New Delhi for taking medical treatment some 5 years ago. But, however, the Revenue Inspector had also indicated that he does not know as to where the judgment debtor in this case resides.

5.He would further submit that the same has also been brought to the notice of the learned Master. He would submit that the respondent/ police are keeping a watch on the residence. They are also making enquiries, but no fruitful results yielded yet. He would submit that if the petitioner provides any input as to his location, the respondent would look upon the same and also take effective steps. The petitioner was queried by this Court as to any details are with him regarding the judgment debtor to which the replied in negative.



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6.Considering the averments made in the counter affidavit and also the submissions made by Mr.S.Udaya Kumar, learned Government Advocate (Crl.side), I am of the view that there is no Willful, deliberate disobedience committed by the respondent as complained by the petitioner. In such a view, this Contempt Petition is closed.

28.03.2023

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Index :Yes/No

Speaking order : Yes/No

Neutral citation : Yes/No.



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K.KUMARESH BABU,J.

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