



Cont.P. No.1149 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Contempt Petition No.1149 of 2021

J.Balasingh Samuel

.. Petitioner

Versus

1.Thirumalai Muthu,
The Official Liquidator,
High Court of Madras,
Chennai - 600 104.

2.Praveen Kumar
3.Ramesh Kumar M.Jain
4.Shanthilal M.Jain
5.Bhavarari Bai
6.Ramesh Kumar M.Jain
7.Manju Bai
8.Samsen Papli
9.Shanthi Papli
10.V.Natarajan
11.Parameshan
12.Sakthivel
13.Narayanan
14.Vidhya

.. Respondents

Prayer: Petition filed under Section 11 of Contempt of Court Act 1971 to punish the respondents for willful and deliberate disobedience of the order of this Court in Company Application Nos.162 to 166 of 2013 in Company Petition No.59 of 2008 dated 20.02.2013 on the file of the Original side of this Court.



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For Petitioner : Ms.T.Hemalatha

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For Respondents : Ms.B.Ambika,
Deputy Official Liquidator (R1)
Mr.PL.Narayanan,
Senior Counsel for
Mr.E.Hariharan for
R2 to 4, 6 and 7
R5 died
No appearance for R8, 11, 12, 13 and 14
Mr.V.V.Giridhar for R9
Mr.R.Rajesh Vivekanathan,
Deputy Solicitor General of India for R10

ORDER

This Contempt Petition has been filed for the alleged disobedience of an order dated 20.02.2013 passed by this Court in Company Application Nos.162 to 166 of 2013 in Company Petition No.59 of 2008.

2.The said order reads as follows:

"Notice returnable by three weeks. Private notice permitted.

2.In the meantime, since the intellectual properties are also the properties of the company in liquidation, persons other than the proprietor of the intellectual properties, namely the company in liquidation, shall not use the trade marks on the banks of any assignment made in their favour by the company in liquidation."



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3.As seen from the aforesaid order, it is clear that the interim order granted in favour of the petitioner was only for a period of three weeks from 20.02.2013. The phrase "in the meantime" makes it clear that the interim order is only for a period of three weeks. The order was also not extended subsequently, i.e. after the period of three weeks by this Court.

4.Learned counsel for the respondents 2 to 4, 6 and 7 has placed before this Court a judgment of the Calcutta High Court dated 28.02.2019 in the case of Siddhartha Mitra and others vs. India Steam Laundry (P) Ltd. and others reported in MANU/WB/0504/2019 dealing with an identical issue. In the said decision also, the phrase "in the meantime" was considered and the said decision also involved a Contempt Petition. Learned Single Judge of the Calcutta High Court has rejected the contention of the petitioner that the respondent has disobeyed the order by interpreting the phrase "in the meantime" and by holding that the interim order is in force only upto the next date of hearing.

5.This Court is in agreement with the view taken by the Calcutta High Court. The phrase "in the meantime" makes it clear that the interim



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ABDUL QUDDHOSE, J.

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order granted in favour of the petitioner by this Court is valid only for a period of three weeks, as notice was ordered to the respondents by this Court returnable by three weeks. This Court cannot give an expansive interpretation, while dealing with a Contempt Petition. Therefore, this Court does not find any merit in this Contempt Petition for the present.

6.After recording the aforementioned facts, this Contempt Petition is dismissed. However, liberty is granted to the petitioner to revive this Contempt Petition in the event of the petitioner proving through documentary evidence in Company Application Nos.162 to 166 of 2013 in Company Petition No.59 of 2008 that the respondents have disobeyed the order dated 20.02.2013 by assigning the trademark within a period of three weeks from 20.02.2013.

Registry is directed to list Company Application Nos.162 to 166 of 2013 in Company Petition No.59 of 2008 on 06.11.2023.

26.09.2023

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