



Cont.P.(MD) No.93 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CONT.P.(MD)No.93 of 2023

1.A.Raj Kumar

2.A.Vengattammal

3.R.Divya

4.Sree Alagar Indane Agencies,

Rep. by its Proprietor A.Raj Kumar

... Petitioners

-Vs-

Mr.Thiyagarajan,

Rep. by its Authorized Officer,

Cholamandalam Investment & Finance Co.Ltd.,

Dare House No.2, N.S.C.Bose Road,

Parrys, Chennai-600 001.

... Contemnor

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor for the willful disobedience of the order of this

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WEB COPY Court made in W.M.P.(MD)No.8425 of 2022 in W.P.(MD)No.11861 of 2022 dated 14.06.2022.

For Petitioners : Mr.B.Narayan Ram

ORDER

[Order of the Court was made by R.SURESHKUMAR, J.]

Alleging non-compliance of the interim order passed by this Court in W.M.P.(MD)No.8425 of 2022 in W.P.(MD)No.11861 of 2022 dated 14.06.2022, this Contempt Petition is filed.

2.The learned counsel for the petitioner would submit that in the said order, conditional order has been passed, which is in fact complied with by the petitioner. Despite the same having been complied with, which has been recorded on 18.11.2022 in the subsequent order of the Division Bench of this Court, on 19.12.2022, the respondent Finance Company issued a notification for re-auction. That itself made the petitioner to file this Contempt Petition.

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3.The learned counsel for the petitioner brought to our notice that subsequently, the main Writ Petition itself came to be disposed of by another Division Bench of this Court dated 01.02.2023, where for making payment of the remaining due to the extent of Rs.70,00,000/- (Rupees Seventy Lakhs Only) some instalment time limit has been provided in paragraph No.6 of the order, which reads thus:-

“6.Recording the aforesaid submissions made by both sides, we direct the petitioner to pay a sum of Rs.45 lakhs in two consecutive equal monthly installments and thereafter, pay the remaining amount of Rs.25 lakhs in two consecutive equal monthly installments. The first installment shall be paid on or before 02.03.2023 and the subsequent three installments shall be paid on or before the 2nd day of every English Calender Month. Till such time, the 2nd respondent – Bank shall not take any coercive action against the petitioner. If the petitioner fails to make payment in any one of the above installments, the 2nd respondent – Bank is at liberty to proceed further in accordance with law.”

4.Insofar as the conditional order is concerned, whether it has been complied with or not is not known to the petitioner. Moreover, the interim order

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got merged with the final order dated 01.02.2023 and on 19.12.2022, re-auction notice issued by the respondent, according to the petitioner, has not been effected to and no auction has been taken place.

5. When that being so, it cannot be construed as willful disobedience of the order of this Court on the part of the respondent. Moreover, the interim order since got merged with the final order, where also some direction has been given by the Division Bench of this Court by virtue of the order dated 01.02.2023, that is to be worked out by the parties concerned in the manner known to law. Accordingly, this Contempt Petition cannot be further persuaded and therefore, it is closed.

[R.S.K., J.] & [S.S.Y., J.]
27.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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