

THE HON'BLE SRI JUSTICE A. VENKATESHWARA REDDY

Contempt Case No.260 of 2022

ORDER:

This Contempt Case is filed by the petitioner/ appellant against the respondent Nos.1 to 3, who are the legal representatives of Satpal Singh alleging that initially this Court, as per the orders in CMP No.17947 of 1998 restrained the respondent-Satpal Singh from alienating or changing the nature of suit schedule property, wherein this Court as per the order dated 09.03.1999, modified the earlier order by granting interim direction restraining him from alienating the suit schedule property. Thereafter, late Satpal Singh died and the respondents were brought on record as per the order dated 26.06.2018 in CCCA MP No.121 of 2016 (IA No.3 of 2016) and the respondents being aware of the orders of this Court have executed the sale deed in favour of K. Arvind, K. Vandana and K. Arjun. The respondent Nos.6 to 8 in CCCA No.123 of 1998 were impleaded as per the order dated 28.03.2022 in I.A.No.1 of 2022 alleging that they have taken up construction activities on the portion of the suit schedule property. The

respondents being aware of the orders of this Court deliberately and wilfully violated the order dated 09.03.1999 and they are liable for punishment under Sections 10 and 12 of the Contempt of Courts Act, 1971.

2. The respondent No.3 has filed a counter on his behalf and on behalf of respondent Nos.1 & 2, who are his mother and sister respectively stating that his father passed away on 15.04.2012 and they were brought on record as legal representatives on 02.07.2018. The respondents have no knowledge of Satpal Singh taking steps either for modifying or vacating the injunction orders and he did not part any information with these respondents about the pendency of appeal or any other orders. It is only after his demise, in March 2016 one of the staff members of counsel of their father came to their house stating that appeal suit is pending and it is likely to come up for hearing. Then they have informed about the demise of late Satpal Singh. A portion of the property was sold by them in January, 2016 when they were not on record and they were not aware of the pendency of case

and interim orders. They were constrained to sell the portion of land to raise funds to clear the debts incurred for meeting the medical expenditure of late Satpal Singh. They had to incur merely Rs.25 lakhs towards his treatment in Yeshoda Hospital and late Satpal Singh has also incurred heavy debts in ICICI Bank towards home loan and other personal debts amounting to Rs.15 lakhs, as such since they were in hard pressing for money, in January 2016 the sale deed was executed. They were not aware of any restraint orders passed either against the Satpal Singh or his legal heirs. They were not guilty of any deliberate or wilful attempt to disobey the orders of this Court and tendered unconditional apology for the act of executing the sale deed in January 2016.

3. Heard the learned counsel on both sides.
Perused the record.

4. The admitted facts of the case are that during the life time of Satpal Singh, as per the orders in CMP No.17947 of 1998, this Court has granted injunction order restraining him from alienating or changing the nature of

suit schedule property on 14.09.1998. Subsequently, late Satpal Singh has filed vacate stay petition being CMP No.2546 of 1999 wherein this Court as per the orders dated 09.03.2019 modified the earlier order by granting injunction order restraining the respondent-Satpal Singh from alienating the suit schedule property.

5. A plain reading of the said order dated 09.03.1999 shows that the respondents therein were restrained from alienating the property and if he intends to alter the nature of land, he will be doing at his risk and he cannot claim any equity if ultimately loses in the suit. This order dated 09.03.1999 was only passed after hearing on both sides during the life time of Satpal Singh.

6. Undoubtedly, late Satpal Singh died on 15.04.2012, and his legal heirs/respondents herein were not brought on record immediately. It is learnt that as per the orders in CMP No.121 of 2016 dated 26.06.2018 they were brought on record. Till such time they were not on record. It is the case of the respondents that they were not aware of pendency of the appeal suit or any injunction that

was granted against their father, late Satpal Singh during his life time. In the affidavit filed by respondent No.3 herein on his behalf and on behalf of his sister and mother, it is categorically stated that they were not aware of pending suit or any other interlocutory applications including the stay order granted, and that they were not made as parties to the proceedings during the life time of late Satpal Singh.

7. It is further the case of the respondents that in the month of March, 2016 a staff member from the office of learned counsel came to their house, in search of their father of respondents herein, then it was informed him that their father died, accordingly the application was filed to bring them on record. It is further stated that they were pressing in need of money to meet the medical expenditure for the treatment of late Satpal Singh in Yeshoda Hospital, Secunderabad and he also raised housing loan as mentioned in para-6 of the affidavit, as such for discharge of the said loan amount of Rs.15 lakhs towards ICICI home land and Rs.25 lakhs towards medical expenditure at Yeshoda Hospital, Secunderabad, they were compelled to

sell a portion of plot to the respondent Nos.6 to 8 in CCCA No.123 of 1998.

8. Be it stated that the said CCCA filed by the plaintiff is dismissed today against late Satpal Singh and his heirs and subsequent purchasers. However, the first defendant-Mrs. Manju Parkah was only directed for refund of the advance amount of Rs.2 lakhs with simple interest at 6% per annum from 31.08.1994 onwards.

9. In fact, the respondents are not parties to the proceedings till they were brought on record on 26.06.2018 as per the order in CCCA MP No.121 of 2016. They have explained that they had no intention to violate the injunction order granted by this Court and that they were pressing in need of money to meet the medical expenditure of late Satpal Singh and also to pay the housing loan.

10. Therefore, for the reasons stated above and considering the fact that the appeal suit in CCCA No.123 of 1998 filed by the petitioner/appellant is dismissed today and also considering the unconditional apology tendered by

all the respondent Nos.1 to 3 herein through counter, it cannot be said that these respondents have deliberately and wilfully violated the order dated 09.03.1999 by alienating the portion of suit schedule property to the respondents 6 to 8 in CCCA No.123 of 1998.

11. In the result, the Contempt Case is dismissed. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending in this contempt case, shall stand closed.

A. VENKATESHWARA REDDY, J.

Date: 09.01.2023
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