

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

CONTEMPT APPEAL NO: 12 OF 2023

**Contempt Appeal Under Section 19 (1) (a) of Contempt of Courts Act
1971 aggrieved by the order dated 28-08-2023 in C.C.No. 1221 of 2023.**

Between:

1. Smt. BHUSHAMMA, Wife of Sri S.Sathaiah, aged about 80 years, Occ . Household,
2. Smt.MUNNI BAI , Wife of Sri S.Sathaiah, aged about 72 years, Occ . Household,
3. S.SRINIVAS, son of Sri S.Sathaiah, aged about 58 years, Occ . Business.

All then Residents of House No.12-13-1161, Street No.11, Tarnaka, Secunderabad now the Appellant No.2 residing at House No.13-1-1201/1, situated at Kumar Vadi, Mustaidpur, Karwan, Hyderabad-500006 and the Appellants 1 and 3 presently residing at House No.2-2-647/77/H, Srinivasa Nagar, Bagh Amberpet, Hyderabad.

...APPELLANTS/ Respondent Nos. 1 to 3

AND

Smt.SANKURU SAKKU BAI, Wife of Sri S.Chandraiah, aged about 72 years, Occ .Household, Resident of House No.12-13-1161, Street No.11, Tarnaka, Secunderabad.

...RESPONDENT/ Petitioner

IA NO: 1 OF 2023

Application under Section 19 (2) (b) of Contempts of Courts Act, 1971 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to release on bail, the Petitioners 2 and 3 / Appellants 2 and 3 herein, who are in confinement due to the Orders dt:28- 08- 2023 in Contempt Case No.1221/2023, of the Honorable Single Judge of this Hon'ble Court, pending disposal of the above Contempt Appeal .

IA NO: 2 OF 2023

Petition under Section 151 of CPC R/w. 19 (2) (a) of Contempts of Courts Act, 1971 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order of the Honorable Single Judge, Dated. 28-08-2023, in Contempt Case No.1221/2023, pending disposal of the above Contempt Appeal .

Counsel for the Appellant: SRI. MANU

Counsel for the Respondents: NONE APPEARED

The Court delivered the following: Judgment

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR**

CONTEMPT APPEAL No.12 of 2023

JUDGMENT: (per the Hon'ble the Chief Justice Alok Aradhe)

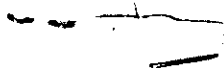
Mr. Manu, learned counsel appears for the appellants.

2. This appeal under Section 19 of the Contempt of Courts Act, 1971, has been filed against an order dated 28.08.2023 passed by the learned Single Judge in C.C.No.1221 of 2023 by which the appellants have been found guilty of non-compliance of the judgment and decree dated 05.07.2022 in Second Appeal No.247 of 2021.

3. By the aforesaid order dated 28.08.2023, appellant No.1 has been imposed a fine of Rs.25,000/-, and in default, appellant No.1 has been sentenced to undergo imprisonment for a period of one month. Appellant Nos.2 and 3 have been directed to undergo imprisonment for a period of three (3) months.

4. The facts giving rise for filing of this appeal briefly stated are that the respondent filed O.S.No.924 of 2005

seeking the relief of eviction. The aforesaid civil suit was decreed on 08.07.2020. The appellants filed A.S.No.25 of 2020 which was dismissed on 08.09.2021. The appellants thereupon filed S.A.No.247 of 2021. The learned Single Judge while dismissing the aforesaid Second Appeal vide judgment dated 05.07.2022 directed the appellants to vacate the premises in question within six (6) months and to file an undertaking before the primary Court to that effect. The appellants furnished an undertaking that they would vacate the premises by 04.01.2023. However, the appellants did not vacate the premises in question and they continued to be in possession of the premises in question contrary to the undertaking furnished by them. Thereupon, the respondent filed C.C.No.1221 of 2023 under Section 10 of the Contempt of Courts Act, 1971. The learned Single Judge by an order dated 28.08.2023 has found the appellants guilty of wilful disobedience of the undertaking furnished by them as contained in the judgment dated 05.07.2022 passed in S.A.No.247 of 2021 and has imposed a fine of Rs.25,000/- on appellant No.1 and in default, appellant No.1 has been directed to undergo imprisonment for



a period of one month. Respondent Nos.2 and 3 have been directed to undergo imprisonment for a period of three (3) months. In the aforesaid factual background, this appeal has been filed.

5. Learned counsel for the appellants submitted that appellant No.1 is an old aged person and is bedridden. It is further submitted that the learned Single Judge has imposed a fine of Rs.25,000/- on appellant No.1. It is further submitted that appellant No.2 had handed over the possession of the premises in question to the respondent. However, the aforesaid aspect of the matter has not been appreciated by the learned Single Judge.

6. We have considered the submissions made by the learned counsel for the appellants and have perused the record.

7. Admittedly, the appellants have not complied with the directions contained in the judgment dated 05.07.2022 in S.A.No.247 of 2021 as well as the undertaking furnished by them to the Court by which they agreed to vacate the premises on or before 04.01.2023. The defence taken by appellant No.2

that she handed over the possession of the premises in question to the respondent in the month of July, 2023 is not substantiated by any material on record. The appellant No.2 is unable to say as to which day in July, 2023, she handed over the possession of the premises in question to the respondent.

8. The appellants are guilty of wilful disobedience of the judgment and decree dated 05.07.2022 passed by the learned Single Judge in S.A.No.247 of 2021 as well as the undertaking furnished by them before the Court. We therefore do not find any ground to differ with the view taken by the learned Single Judge.

9. In the result, the appeal fails and is hereby dismissed.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

Sd/- B. S. CHIRANJEEVI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The III Senior Civil Judge, City Civil Court, Secunderabad
2. One CC to SRI. MANU, Advocate [OPUC]
3. Two CD Copies

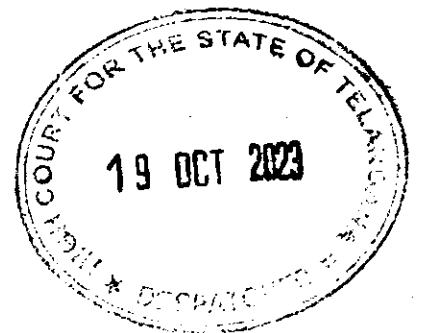
Pmeq.

HIGH COURT

DATED:20/09/2023

JUDGMENT

CONTEMPT APPEAL No.12 of 2023



DISMISSING THE CONTEMPT APPEAL

⑤ pma.
16/10/23.