



Contempt Petn. No.210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Contempt Petition No.210 of 2024

1. Mohammed Safdar
2. Mohamed Tameen

... Petitioners

Vs.

K.Zakir Hussain

...Respondent

PRAYER: Contempt petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for his willful disobedience of the order dated 24.08.2023 made in CRP No.2640/2023 passed by this Court.

For Petitioners : Mr.Mohd Yaqoob Kafeel

ORDER

This Contempt Petition has been filed to punish the respondent for his willful disobedience of the order dated 24.08.2023 made in CRP No.2640/2023 passed by this Court.



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2. The petitioners herein are the joint owners/landlords of the property and they have filed RCOP No.331/2015 against the respondent/tenant, wherein, by order dated 19.07.2016, the learned XV Judge, Court of Small Causes, Chennai, has ordered eviction and two months time was granted for eviction. As against the above order, the respondent/tenant has filed RCA No.443/2016 before IX Judge, Court of Small Causes, Chennai and the same was also dismissed on 27.03.2023. Challenging the same, the respondent/tenant has filed CRP No.2640/2023 before this Court and vide order dated 24.08.2023, this Court has ordered as follows.

7. Considering the facts and circumstances of the case and the submission made by the learned counsel appearing on either side, this court is of the view that there is no infirmity in the orders passed by both the Trial Courts and the may be confirmed. Accordingly, this Court direct the petitioner to vacate the premises on 30.12.2023 and handover the key to the landlords on 31.12.2023, failing which the landlords are at liberty to take appropriate action in accordance with law. The landlords are directed to furnish the details of arrears of rent if any to the tenant and the petitioner is also directed to pay the same to the landlords directly.

Now, the petitioners have filed the present contempt petition to punish the respondent, for disobeying the above order.



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3. In the CRP No.2640/2023, dated 24.08.2023, this court has directed that, if the respondent/tenant is failed to vacate the premises on 30.12.2023 and hand over the key on 31.12.2023, the petitioners/landlords are at liberty to take appropriate action in accordance with law. Therefore, if the respondent/ tenant is failed to comply the order of this Court, the remedy to the petitioners is only before the Executing Court by filing the execution petition and not before this Court. Therefore, the present contempt petition is not maintainable and the same is liable to be dismissed.

4. Accordingly, the Contempt Petition is dismissed as not maintainable.

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Index: Yes/No
Internet: Yes/No
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V.SIVAGNANAM, J.,

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