



Cont.P.No.1140 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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1.R.Harikumar

2.Karthik Ranganathan

(Impleaded as 2nd contempt petitioner as per
the order of this Court made in Sub Appl No.432/2023
in Cont.P.No.1140/2023, dated 20.06.2023)

... Petitioners

Vs.

1.Vikram Singh

2.V.Raj

...Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act 1971, seeking to punish the respondents for willfully breaching the memorandum of undertakings given in interlocutory applications in I.A.Nos.2 & 3 /2022 in O.S.No.77/2022 both dated 07.09.2022 before the learned District Court, Ooty and consequently, punish both the respondents to have obstructed the learned Advocate Commissioner on 03.08.2022 from



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entering into and inspecting the suit schedule property as per the Warrant of Commission issued by the learned District Court, Ooty in I.A.No.4 of 2022 in O.S.No.77 of 2022 in spite of due notice to them.

For Petitioners : No appearance for P1

Mr.Karthik Ranganathan
(Party in Person) for P2

For Respondents : No Appearance for R1

Mr.N.Ramesh for R2

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The Contempt Petition has been instituted under Section 10 of the Contempt of Courts Act, 1971.

2.Admittedly, a Civil Suit in O.S.No.77 of 2022 is pending before the learned District Court, Uthagamandalam.

3.The case of the Contempt petitioner is that, an Advocate Commissioner has been appointed by the Civil Court under Order 26 CPC,



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who in-turn attempted to execute the warrant issued by the Civil Court. The defendants in the suit obstructed the entry of the Advocate Commissioner, which resulted in filing of the present contempt proceedings.

4.In the event of any such illegal obstruction or otherwise, the party to the suit have to approach the same Court which passed an order and they are entitled to redress their grievances in the manner known to law and by following the procedures as contemplated.

5.Contrarily, the High Court entertaining such contempt petitions, during the pendency of the suit in respect of the disputes of civil nature in the event of adjudication would cause prejudice to the interest of any one of the party.

6.Thus, the aggrieved persons are at liberty to redress their grievances in the manner known to law and by approaching the competent Court, where the civil suit is pending.



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7.With the above observations, the Contempt Petition is dismissed.

The Contempt petitioners are at liberty to approach the Court competent for appropriate remedy.

[S.M.S., J.] [V.S.G., J.]

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Index: Yes/No

Internet: Yes/No

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To

1.The District Court, Ooty



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