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Cont. Ptn. No.894/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CONTEMPT PETITION NO.894 OF 2024

Jayalakshmi

.. Petitioner

- Vs -

Meenakshi

W/o. Srinivasan

No.2/7, Flat No.2, 6th Street,

Buvaneshvari Nagar,

Adambakkam, Chennai – 88.

.. Respondent

Contempt petition filed under Section 11 of Contempt of Courts Act, praying to punish the respondent for the wilful disobedience of the interim direction order dated 19.04.2023 passed by this Hon'ble Court in W.M.P.No.9414 of 2023 in W.P.No.9317 of 2023.

For Petitioner : M/s.K.Thenrajan

For Respondent : M/s.R.Udhyakumar



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ORDER

“A Mother is not just someone who gave you birth.

***She is someone who can take the place of all others but
whose place no one else can take. In fact, Mother is the
name for God in the lips and hearts of all.”***

Mother was brought to earth by the Lord Almighty, as the Almighty was aware that he could not be available at the beck and call of each and every individual. Such is the sanctity and divinity of the mother that she is to be revered as the Lord. A mother carries the child in the womb all through the ten months giving it all the nourishing care and attention even by jeopardizing her own health to see that the child comes out of her womb in a hale and healthy condition. Its not only for the said ten months when the child is in the womb, but even thereafter, the mother safeguards her child till her last breath seeing to it that the child does not even shed a drop of blood let alone tears.



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2. The womb of the mother is not only the fortress of the child, but it is the secured place in the earth, where none could harm the child. Such is the manner in which a mother takes care of her child till it attains a level, where it could stand on its own legs and think. However, even thereafter, the mother seldom leaves the child to face any hardship unmindful of her own stresses and strain and the mother takes care of the child, even when it becomes a father/mother. However, all the sacrifices made by the mother not only in upbringing the child by caring for it and protecting it safely, the selfish and vicious mind of the child, as it grows up, gets corrupted due to monetary considerations which makes the children drive their mother without caring for them. The mother, who had protected the child from all the calamitous situations, even jeopardizing herself, is not given a place of stay protected and provided with the basic necessities of life, that too at an age, where she has lost all the strength, and is thrown to the streets, after extracting all the juice that is left in her body, moreso, when the mother transforms into a child by efflux of time, she is seldom cared for by her children, as once a God is driven out to the streets like a dog. Such is the pitiable condition of the parents where they take



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all the pain and suffering in the upbringing of their children only to find later in point of time that they are orphans in their old age and the children merely consider them as unwanted luggage, which is thrown into the bins.

3. It is only in that backdrop, the Senior Citizens Act was enacted so as to safeguard the parents, who are seldom cared for by their children after grabbing all the properties, which are with the parents under the garb of showing attention and once the same is transferred to the children the parents are left uncared for, which results in the parents made to knock on the doors of the authorities for retrieving their properties, so that they could have bread and butter throughout their life.

4. It is only in the aforestated backdrop, this contempt petition has come to be filed alleging willful disobedience of the order dated 19.04.2023 made in W.M.P.No.9414 of 2023 in W.P.No.9317 of 2023.

5. It is the case of the petitioner that the respondent is her daughter. By



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use of sugar-coated words and on the promise that she will be taken care of in her old age, the respondent had made the petitioner to execute a settlement deed in her favour, which, the petitioner, as a mother, believing the words of the respondents, had also executed. It is the further averment of the petitioner that after cunningly getting the property from the petitioner by showering her with affection, the respondent did not take care of the petitioner and the petitioner was thrown out of the house. Having no other place to go at her old age, the petitioner submitted a representation before the Revenue Divisional Officer, South Chennai Range seeking to cancel the settlement deed, which was dismissed vide proceedings dated 27.08.2021 against which the petitioner preferred an appeal before the District Collector. However, the said appeal was rejected vide order dated 08.08.2022. Challenging the same, the petitioner filed W.P.No.9317 of 2023 before this Court.

6. Initially, when W.P. No.9317/2023 was listed before this Court on 19.4.2023, this Court passed the following order :-

I have heard the learned counsel for the petitioner and the



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learned Additional Government Pleader accepting notice for respondents 1 and 2. 2. It is the case of the petitioner that the third respondent is the daughter of the petitioner. Subsequently, the petitioner executed a settlement deed in favour of the third respondent. Since the third respondent was not looking after the petitioner, the petitioner made a representation before the second respondent and the same was dismissed vide proceedings dated 27.08.2021 against which, the petitioner preferred an appeal before the first respondent, however, the said appeal was rejected vide order dated 08.08.2022. Challenging the same the present writ petition has been filed. 3. Considering the facts, there shall be an order of interim direction on a condition that the third respondent shall deposit the arrear amount of Rs.10,000/- (Rupees ten thousand only) per month from the date of proceedings of the second respondent dated 27.08.2021 till the disposal of the present writ petition by way of demand draft to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the third respondent shall pay a sum of Rs.10,000/- per month to the petitioner regularly on or before fifth of every succeeding month until further orders, failing compliance of the same, the second respondent is directed to take action against the third respondent in the manner known to law.

4. Issue fresh notice to the third respondent returnable by



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06.06.2023. 5. Post the matter on 06.06.2023 under the caption "for reporting compliance".

7. Pursuant to the aforesaid order, when the matter was listed on 6.6.2023, appearance was entered on behalf of the 3rd respondent and the following submission was made :-

"This Court vide order dated 19.04.2023, directed the third respondent to pay a sum of Rs.10,000/- per month to the petitioner on or before fifth of every succeeding month until further order, failing compliance of the same, the second respondent was directed to take action against the third respondent in the manner known to law.

2. When the matter is taken up for hearing, the learned counsel appearing for the third respondent submitted that the aforesaid order dated 19.04.2023, was not complied with by the third respondent. Hence, he sought further accommodation till 12.06.2023 to comply with the said order.

3. In view of the aforesaid submission made by the learned counsel appearing for the third respondent, this Court directs the third respondent to comply with the order dated 19.04.2023 on or before 12.06.2023.

4. Post the matter under the caption "For reporting compliance" on 12.06.2023."



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8. From the above, it clearly reflects that opportunity was granted to the respondent herein, who had submitted that the order was not complied and sought time till 12.6.2023 to comply with the said order, which had also been granted. Thereafter, nothing had transpired, but the writ petition has been pending in which counter had not yet been filed, as could be seen from the order passed on 7.6.2024. However, the order relating to payment of amount has also not been complied with till date.

9. In the interregnum, against the order of this Court dated 19.4.2023, the respondent/contemnor had filed W.A. No.1301/2023 before the Division Bench of this Court and the Division Bench, after observing that the order impugned is an ad-interim exparte order, directed the appellant to appear before the Court which granted the said order and file application to vacate it and the writ appeal was disposed of on 7.8.2023. This is evident from the counter filed by the respondent/contemnor in the present contempt petition. In effect, the order passed by this Court on 19.4.2023 was left untouched, which requires



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compliance by the contemnor.

10. In the aforesaid scenario, the contempt petition had been filed by the petitioner alleging that the order dated 19.04.2023, in which the 3rd respondent was directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) per month has not been complied with, which resulted in the issuance of statutory notice. Further, on 18.4.2024, this Court directed the learned Government Pleader to ensure the appearance of the respondent and on 26.4.2024, the contemnor appeared before this court and sought time to comply with the order and, therefore, the matter was directed to be listed on 7.6.2024 for reporting compliance, while dispensing with the further appearance of the contemnor.

11. However, inspite of the said order, the amount has not been paid and the order dated 19.4.2023 has not been complied with. In the present contempt petition, the contemnor has filed a counter wherein it is alleged that the petitioner was blessed with four daughters of which the respondent is one and all the daughters are to take care of the petitioner. The respondent is the eldest



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daughter and one Bhuvaneswari is next to her, who, though was given properties, however, is brainwashing the petitioner to cancel the settlement deed, as she wants to usurp the property given to the respondent on account of the financial distress of the respondent.

12. Basing the above facts, the respondent had placed here contentions in the counter by raising the issues :-

- i) *There is no miscellaneous petition filed before this Hon'ble Court in W.P. No.9317/2023 seeking pecuniary maintenance from me being so the orders passed by the Hon'ble Court is prima facie not lawful.*
- ii) *However, the said order dated 19.04.2023 was brought to my knowledge, I immediately preferred an appeal before the Hon'ble First Bench of the Court vide W.A. No.1301/2023, the Hon'ble Appellate Bench of this Court was pleased to direct me to approach the single bench which pass the impugned order, have the same set aside and decide the issue on merits, in accordance with the said order I have preferred.*
 - (a) *WMP No.11536/2024 – To set aside the order 19.04.2023 in W.P. No.9317/2023.*



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(b) *WMP No.11538/2024 – To implead the remaining daughters of petitioner/petitioner namely, Bhuvaneswari, Karpagam and Rajeshwari.”*

13. Learned counsel appearing for the petitioner that though appearance was entered before this Court on 6.6.2023 and sought time to comply with the orders based on which the matter was posted on 12.6.2023, however, the order was not complied and against the very submission, the respondent had preferred W.A. No.1301/2023 in which the Division Bench had directed the respondent/contemnor to approach the learned single Judge vide order dated 7.8.2023, which clearly shows that the order passed by this Court still subsists. It is the further submission of the learned counsel that though it is claimed that WMP Nos.11536/2024 has been filed for setting aside the order dated 19.4.2023 and another WMP No.11538/2024 for impleading the remaining daughters of the petitioner, in the absence of any stay of the order dated 19.04.2023, the respondent/contemnor is bound to comply with the said order. In such circumstances, the stand taken by the contemnor is only to wriggle out of the



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present situation where she had committed an act of contempt as it would be evident from the order dated 7.6.2024 that the Court had given a last chance for filing counter, which shows that the respondent/contemnor was not inclined to comply with the order passed by this Court, which itself shows an act of wilful contempt.

14. Per contra, learned counsel appearing for the respondent/contemnor submitted that the respondent/contemnor had not committed any contempt, as without hearing her, the ad-interim direction was passed. It is the further submission of the learned counsel that the respondent/contemnor is ready and willing to take care of her mother, but it is only the petitioner, who is not coming to live with her due to the ulterior designs of her sister, who wanted to usurp her property and who is instrumental in brainwashing the petitioner to take action against her. Without the other sisters of the respondent being impleaded, the evil designs of the other siblings of the respondent/contemnor would not come out and all the siblings are endowed with a duty to look after their mother and the respondent/contemnor alone cannot be fastened with responsibility to



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monetarily compensate the petitioner, when all the siblings of the respondent/contemnor were also given their due share of the properties by the petitioner. Therefore, learned counsel submitted that unless the miscellaneous petitions filed by the respondent/contemnor in the main writ petition are decided, this Court may defer passing of any orders on the contempt.

15. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

16. This Court, with a view to find out as to whether the respondent/contemnor intends to comply with the order and also the amount which the respondent/contemnor would be able to pay to the petitioner so as to enable the petitioner to take care of her, enquired the respondent/contemnor, who was available in court. When the Court queried the respondent/contemnor whether she would be willing to pay atleast a sum of Rs.5,000/- (Rupees Five Thousand only) per month to the petitioner till a call is taken on the



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miscellaneous petitions by the learned single Judge, the respondent/contemnor did not yield and was not ready to even part with a penny to her mother/the petitioner herein and, therefore, this Court was left with no other alternative but to decide the contempt petition on its own merits.

17. This is a classic case, where the respondent/contemnor, who is none other than one of the daughters of the petitioner, after obtaining a settlement deed in respect of a property from the petitioner, on the promise that she will take care of her mother, as is alleged by the mother/the petitioner, had not thought it fit to take care of the petitioner, who has been made to run from pillar to post to even get the necessities for her peaceful living at her old age.

18. Coming to the case on hand, it is borne out by record that on 19.4.2023, when the matter was first taken up by this Court, this Court had directed the 3rd respondent to pay a sum of Rs.10,000/- per month towards maintenance of the petitioner, as it was the case of the petitioner/mother that the settlement deed was entered into only on the promise that the



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respondent/contemnor would take care of her. Since she did not keep up the promise, as was alleged, the order came to be passed while ordering notice to the respondent/contemnor.

19. Upon service of notice and on entering appearance, time was sought for by the respondent/contemnor on 6.6.2023 to comply with the said order for which this Court granted time till 12.6.2023. At that point of time, there was no claim on behalf of the respondent/contemnor that the order was bad or that the respondent/contemnor was taking steps to file appropriate application to vacate the said order.

20. Without complying with the aforesaid order, W.A. No.1301/2023 was filed and the Division Bench of this Court, vide order dated 7.8.2023, directed the respondent/contemnor to approach the learned single Judge for appropriate relief by filing miscellaneous application, including an application for vacating the stay, if so advised. However, no order was granted in favour of the respondent/contemnor keeping the order dated 19.4.2023 in abeyance,



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meaning thereby that the order dated 19.4.2023 stood in force without being disturbed.

21. In such a situation, it is imperative for the respondent/contemnor to comply with the order dated 19.4.2023 and if the respondent/contemnor had any grievance, the right course was to have filed appropriate application seeking appropriate orders. However, such a course was not adopted and even after the order of the Division Bench dated 7.8.2023, the respondent/contemnor had filed the miscellaneous applications only in the year 2024 and the counter is silent as to the date on which the said applications were filed. It is to be pointed out that even after filing of the miscellaneous petitions, no orders have been passed keeping the order dated 19.4.2023 in abeyance, which clearly shows that the said order still subsists and it is the duty of the respondent/contemnor to comply with the said orders.

22. However, the act of the respondent/contemnor in not depositing the arrears and not paying the monthly maintenance as ordered by this Court vide



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order dated 19.4.2023 is nothing but an act in gross contempt and is a disobedience of the orders passed by this Court. In spite of this Court giving an opportunity to the respondent/contemnor to pay even a reduced maintenance, the respondent/contemnor was disinclined even to pay a dime to her mother.

23. The contention of the respondent/contemnor in not paying the amount to her mother is primarily premised on the ground that her mother has four children and all four have to equally share the burden and in the absence of the other three siblings being brought to court, the respondent/contemnor alone cannot be burdened with the task of giving the hefty amount to her mother as maintenance.

24. This Court would like to impress upon every human that -

“Behind all your stories is always your mother’s story, because hers is where yours begin.”

25. The respondent/contemnor should not forget that the place where she is, is all because of her mother. She should also not forget that she is also a

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mother and whatever her mother has gone through would also be her story one day, as two eyes are watching her, which will give the same fruit at a later date. Blessing of a mother is limitless and parents are the ones who can bless their children as no parent would want their children to face ignominy. However, children, with least regard to their parents, throw them out to the streets which is an unpardonable act even by Lord Almighty.

26. Though the respondent has filed a counter affidavit enlisting the facts and pointing out the order passed by the Division Bench and the pendency of the miscellaneous petitions, which are the outcome of the order passed by the Division Bench, however, the fact remains that the order dated 19.4.2023 has survived till date and, therefore, it is the duty of the respondent/contemnor to comply with the order. However, even when this court enquired the respondent/contemnor whether she would atleast pay a portion of maintenance monthly, in an iron-willed temper, the respondent/contemnor answered in the negative, which clearly shows not only her hatred for the petitioner/mother, but her unwillingness to comply with even a part of the order, leave alone the order



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in full. The act of the contemnor is grossly in contempt and her act is nothing but an act of wilful contempt

27. It has been the view of the Apex Court that even a wrong order could be vacated only in the manner known to law. In similar situation, in ***State of West Bengal vs. Hemant Kumar (AIR 1966 Supreme Court 1061)***, the Supreme Court in observed that *“a wrong decision by a Court having jurisdiction is as much binding between the parties as a right one and may be superseded only by appeals to higher tribunals or other procedure like review which the law provides. Hence, unless the interim order is set aside or vacated, it is binding on the parties”*.

28. In the present case, as has been stated above, the order dated 19.04.2023 has neither been modified by the Single Bench or by the Hon'ble First Bench of this Court and therefore, the respondent is bound to comply with the said order, which has not been complied with till date. Therefore, the act of the respondent/contemnor is not only an act of contempt, but an act of wilful



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contempt, as held above.

29. In ***Maninderjit Singh Bitta – Vs - Union of India (2012 (1) SCC 273)***, the

Supreme Court has observed as under:

'19. Under the Indian law the conduct of the parties, the act of disobedience and the attendant circumstances are relevant to consider whether a case would fall under civil contempt or criminal contempt. For example, disobedience of an order of a court simpliciter would be civil contempt but when it is coupled with conduct of the parties which is contemptuous, prejudicial and is in flagrant violation of the law of the land, it may be treated as a criminal contempt. Even under the English law, the courts have the power to enforce its judgment and orders against the recalcitrant parties.'

(Emphasis Supplied)

30. Orders of the Court are bound to be obeyed by each and every citizen which alone would make the law prevail. Not only the common man, but too often the Government and its machineries give scant regard and respect to the orders passed by the Courts, which not only undermines the majesty of the Court, but strikes at the very justice delivery system. If everyone is allowed to

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disobey the orders of the court, there would be no harmony and only anarchy would prevail and the judicial arm would be *non-est*. Only in the said context the Contempt of Courts Act was enacted so that power could be given to the Courts to have its order enforced and wilful disobedience would warrant action from the Court. Everyone citizen is expected to obey the orders of the Court in its true spirit and substance with due respect for the institution. If the contemnor fails to obey the order, this Court has no other option except to invoke the contempt jurisdiction to punish the persons for wilful disobedience.

31. In the present case, as has been highlighted above, the act of the contemnor/respondent is not only in flagrant violation, but shows scant regard and is gross disobedience of the orders of this Court and unless this Court invokes its power of contempt, the majesty of this Court would be jeopardized. The act of the respondent/contemnor is high-handed, grave and beyond disobedience, and much more, it is not only affecting the majesty of this Court, but the sanctity of motherhood is in itself is being sabotaged for which this Court cannot be a mute spectator and, therefore, the act of disobedience committed



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by the respondent/ contemnor is found guilty of committing contempt.

32. Section 12 of the Contempt of Courts Act vests this Court with power to punish the contemnor either with sentence of imprisonment or fine or with both. The act of the respondent/ contemnor is one, which is one of disobedience of the orders of this Court as also not giving scant regard to motherhood, which is the heartbeat of this Nation, which holds a great cultural value, this Court is inclined to punish the contemnor/respondent both with imprisonment as well as fine as that alone would meet the ends of justice as this should be a lesson for future generation to remember as to how respect should be given not only to the Court but also to motherhood.

33. Accordingly, this contempt petition is allowed holding that the respondent/contemnor had committed contempt of court for which the respondent/contemnor is sentenced to Civil imprisonment for a period of three months and also to pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the petitioner. Subject to just exceptions, the Registry is directed to



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take necessary steps to give effect to this order.

21.06.2024

Index: Yes/No

Internet: Yes/ No

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M.DHANDAPANI, J.

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The Registrar General
High Court, Madras – **For necessary action**

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