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L.P.A.No.8 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

L.P.A.No.8 of 2023

1. Smt.Krishnaveni
W/o Siva

2. Markandan
S/o Manicka Mudaliar

3. Subramani
S/o Ethiraj

.. Appellants

v.

Smt.Vijaya
W/o Ravi

.. Respondent

Memorandum of Grounds of Letters Patent Appeal under Clause 15 of the Letters Patent, against the order dated 17.03.2023 passed by the learned single Judge in Contempt Petition No.573 of 2023 in C.R.P.No.1041 of 2022.



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L.P.A.No.8 of 2023

For Appellants :: Mr.R.Balasubramanian

For Respondent :: Mr.G.P.Sivakumar

JUDGMENT

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

The letters patent appeal on hand has been instituted against the order dated 17.03.2023 passed in Contempt Petition No.573 of 2023.

2. Contempt Petition No.573 of 2023 was instituted under Section 11 of the Contempt of Courts Act to punish the respondent for willful disobedience of the order dated 12.01.2023 in C.R.P.No.1041 of 2022. In the order dated 12.01.2023, the learned single Judge directed the subordinate Court to dispose of the suit within a period of three months from the date of receipt of a copy of the order. Taking note of the fact that the said order would not provide a cause for contempt proceedings on the allegation made by the appellants, the learned single Judge dismissed the contempt petition by holding that it is not the case of the



L.P.A.No.8 of 2023

WEB COPY

appellants/petitioners that the construction had taken place subsequent to the order dated 12.01.2023. Even when the civil revision petition was pending, an Advocate Commissioner was appointed and the report of the Advocate Commissioner revealed that there was no hut available in the suit property as mentioned in the plaint. There were two houses in the suit property, one on the western side with a room and the other on the eastern side with bathroom and toilet. It is further mentioned that there was a cement sheet roofing. The Commissioner noted down certain vegetation in the suit property. Therefore, the learned single Judge has taken note of the factual submissions made by the appellants and also considered the scope of the contempt proceedings with reference to the order dated 12.01.2023, against which the contempt petition was filed.

3. We do not find any reason to differ with the findings made by the learned single Judge in the contempt order. If at all any grievance exists to the appellants, they are at liberty to workout their remedy in the manner known to law in the pending suit or otherwise. With this observation, the



L.P.A.No.8 of 2023

WEB COPY

letters patent appeal is dismissed. Consequently, interim order stands vacated and the C.M.P.Nos.20066, 20067 of 2023 & 3307 of 2024 are also dismissed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (V.S.G.,J.)
12.09.2024

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L.P.A.No.8 of 2023

S.M.SUBRAMANIAM, J.

AND

V.SIVAGNANAM,J.

SS

L.P.A.No.8 of 2023

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