



Sub.Appl.(OS).No.398 of 2023
in Cont.P.DR.No.46963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Sub.Appl.(OS).No.398 of 2023
in
Cont.P.DR.No.46963 of 2022

S.Saroja

... Petitioner

Vs.

1.V.Panneerselvam

2.Somasundaram

The Inspector of Police
Inspector of Police Office
Valivalam Police Station
Thirukkuvalai Taluk
Nagapattinam District.

... Respondents

PRAYER in Sub.Appl.(OS).No.398 of 2023: Sub Application filed under Section 151 of the Civil Procedure Code, to permit the petitioner to file the contempt petition in DR.No.46963 of 2022 in W.P.No.26604 of 2021 disposed of on 25.01.2022.



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PRAYER in Cont.P.DR.No.46963 of 2022: Contempt Petition filed under Sections 11 and 12 of Contempt of Courts Act, 1971, to punish the respondents herein for committing contempt of court for illegally attempting to implement the erroneous order obtained by the 1st respondent herein before this Court passed in W.P.No.26604 of 2021 dated 25.01.2022

For Petitioner : No Appearance
For R1 : Died
For R2 : Mr.L.Baskaran
Government Advocate

ORDER

When the matter is taken up for hearing, there is no representation for the petitioner.

2. The petitioner-S.Saroja has filed this sub application in Sub Application (OS) No.398 of 2023 in Cont.P.DR.No.46963 of 2022 on the ground that an erroneous order of this Court has been passed in W.P.No.26604 of 2021, dated 25.01.2022 as though E.P.No.108 of 2011 in O.S.No.295 of 1996 was pending and got terminated on 03.10.2018. Further, it was also recorded the Court bailiff filed a report stating that



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delivery order effected on 05.09.2018. The 1st respondent in the contempt petition-V.Panneerselvam not arrayed the present petitioner as respondent in W.P.No.26604 of 2021 and obtained a order behind the petitioner's back suppressing material facts. Hence, she filed the present sub application.

3. The learned Government Advocate appearing for the 2nd respondent produced the death certificate of S.Saroja, the petitioner herein, who passed away on 04.04.2024 as well as Panneerselvam, who passed away on 22.03.2023 and submitted that nothing survives for further adjudication in this application.

4. This Court in W.P.No.26604 of 2021 by order dated 25.01.2022, on the petition of V.Panneerselvam had directed him to appear before the 2nd respondent-police along with copy of the complaint and necessary documents. On receipt of the same, the 2nd respondent-police was directed to complete the enquiry and to take appropriate steps, if the said Panneerselvam is entitled for any relief as per the orders of the Civil Court and nothing more.



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5. In view of the same, the averments in the sub application is without any materials except for a sweeping allegation that orders in W.P.No.26604 of 2021 obtained by suppressing, material facts by V.Panneerselvam. There is no such suppression and no orders passed based on any suppression of material facts. It is to be noted that S.Saroja, the petitioner herein as well as Panneerselvam, the petitioner in writ petition, both are no more and the death certificates produced.

6. In view of the same, no further orders required in the application. Hence, the sub application is closed. Consequently, the Cont.P.DR.No.46963 of 2022 is rejected. No costs.

24.07.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

dm

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