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Sub Applications(OS) No.1046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Sub Applications(OS) No.1046 of 2024
in
Cont. Pet.SR.No.131570 of 2024

Eurowiskids

... Petitioner

Vs.

1. Shan Sivakumar

2. Velu

3. Deepak Kumar
Inspector of Police Crime,
S10, Pallikarnai Police Station,
Tambaram Main Road,
Medavakkam,
Chennai 600 100

... Respondents

Prayer: The Sub application is filed under Section 151 of CPC to accept the cause title by adding the 3rd respondent as a party in Contempt Petition Sr.No.131570 of 2024.



Sub Applications(OS) No.1046 of 2024

Prayer in Contempt Petition : Contempt petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondents for wilful disobedience of the orders passed by the Hon'ble District Munsif cum Judicial Magistrate, Thiruporur in I.A.No.2 of 2024 in O.S.No.68 of 2024 , dated 20.06.2024.

For Petitioner : Mr. A.Maheshnath

ORDER

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

The Sub Application No.1046 of 2024 has been filed to accept the cause title by adding the third respondent as a party in Contempt Petition Sr.No.131570 of 2024.

2. The Contempt Petition is instituted to punish the respondents for their willful disobedience of the interim order dated 20.06.2024 passed by the learned District Munsif cum Judicial Magistrate, Thiruporur in I.A.No.2 of 2024 granting interim injunction in a suit for permanent injunction instituted by the petitioner in O.S.No.68 of 2024. The grievances of the petitioner is that the interim injunction granted by the Civil Court has been breached.



WEB COPY 3. Breach of an order of interim injunction granted by the Civil Court *per se* would not provide a cause for institution of a Contempt Proceedings under Section 11 of the Contempt of Courts Act.

4. The power of the High Court under Section 11 is to be exercised sparingly, where there is a report from the judges of the District Courts that contempt of Court has been committed. The power is to be exercised, if there is any contempt or interference by any person into the administration of justice and certainly not against the interim orders passed in a civil matters instituted by some persons. Against such violations, efficacious remedies are available under the Code of Civil Procedure and under special enactments. Therefore, the person seeking implementation or execution of an order of the Civil Court or seeking any relief for committing breach of the said order has to approach the competent Court for redressal of grievances.

5. Contrarily, the power conferred to the High Court under Section 11 of the Contempt of Courts Act need not be exercised for implementation or execution of an order passed by any Court in District Judiciary. The holistic reading of the Section 11 of the Contempt of Courts Act would reveal that the



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Contempt allegedly committed must be relatable to administration of justice and not against the routine orders passed by the District Courts.

6. Therefore, we are of the opinion that the Contempt Petition filed by the petitioner is not entertainable. Granting liberty to the petitioner to approach the competent forum for redressal of his grievances, the present Sub Application stands dismissed. Consequently, Contempt Petition filed in SR No.131570 of 2024 is rejected.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

mrp



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

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