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Contempt Petition No.2887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Contempt Petition No.2887 of 2023

D.Sulochana

W/o.Late D.Duraisamy

... Petitioner

Vs.

Tmt.Shanmuga Sathiya

Station House Officer,

Mangaam Police Station,

Mangalam, Puducherry - 605 110.

... Respondent

Contempt Petition filed u/s.11 of the Contempt of Courts Act, 1971, praying to punish the respondent herein for her willful disobedience and contempt of this Court order dated 02.08.2023 made in W.P.No.7361 of 2023.

For Petitioner : Ms.R.Kalaiyarasi

For Respondent : Mr.M.V.Ramachandramurthu
Additional Public Prosecutor (P)

ORDER

This Contempt Petition has been filed praying to punish the respondent herein for her willful disobedience and contempt of this Court



order dated 02.08.2023 made in W.P.No.7361 of 2023.

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2. Heard Ms.R.Kalaiyarasi, learned counsel for petitioner and Mr.M.V.Ramachandramurthu, learned Additional Public Prosecutor (P) appearing for respondent.

3. The respondent has filed an affidavit in this case. The relevant portions are extracted hereunder:

"I respectively further submit that the Honourable Court has passed the following order on 02.08.2023 in W.P.No.7361/2023 filed by the petitioner Mrs.Sulochana herein "The order passed by this Hon'ble Court in W.P.No.7193/2023 will take care of the grievance of the petitioner and no separate orders required to be passed in this writ petition. Hence, the writ petition is disposed of in terms of the order passed in W.P.No.7193/2023 dated..02.08.2023." and in pursuance of the said direction, I have issued summons to the said Vengadesan and Thulasinathan, who are the second and third defendant in vide OS 1803/2018 on the file of Principal District Munsif court to appear before me on 03.10.2023, the said summons were duly acknowledged and they appeared before me at 11.00 hrs., on enquiry of the above said Vengadesan who bluntly refused to give reply and he finally left the place of enquiry and subsequently sent a registered post letter attested before the notary by stating that the enquiry is not in conformity with Police rules, which are irrelevant to come to a conclusion in respect of the above said issue.

On the other hand, Mr.Thulasinathan has stated the particulars of matter with reference to the judgment dated 27.04.2023 in O.S 1803/2018 and also stated a joint memo compromise was entered into between the plaintiff and second defendant who is the petitioner in the above writ and said terms and conditions of the said joint memo of compromise shall form part and parcel of the said judgment.



I respectively further submit in order to find out the truth of the version of the said Thulasinathan. I have applied for the certified copy of the said judgment and decree which I have received on 17.10.2023 from the Court in O.S 1803/2018 and found that the above parties Vengadesan and the plaintiff have entered into a joint memo of compromise by which they have settled their legal dispute and thus I am to inform that the said dispute is settled before the Principal District Munsif Court, Puduchery in O.S 1803/2018 and I have also recorded the statement of Thulasinathan who has also signed in my presence."

4. In the considered view of this Court the dispute seems to be between mother and sons. Learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the dispute between the parties came to a close after the disposal of the suit in O.S.No.1803 of 2018 on the ground of compromise. Even thereafter, the mother and the sons seems to be having some problem.

5. In the considered view of this Court, the respondent has already come to a conclusion that the disposal of the suit has effectively brought the entire dispute to an end. If the dispute between the mother and the son is continuing, it is left open to the petitioner to work out her remedy before the competent Court. This Court does not find any willful disobedience of the order passed in the writ petition.



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N.ANAND VENKATESH, J

gm

In view of the above, this Contempt Petition is closed.

05.04.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm

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