



Cont.P.No.456 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Contempt Petition No.456 of 2024

Gandhi

... Petitioner

Vs.

1. Krishna Udayar

2. Moorthy

... Respondents

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, pleaded to punish the respondents for the deliberate disobedience of the direction of this High Court order dated 02.08.2023 in C.M.P.No.5670 of 2023 in A.S.No.64 of 2023, under the Contempt of Courts Act, 1971.

For Petitioner : Mr.T.R.Rajaraman

ORDER

This petition has been filed seeking to punish the respondents in the provisions of Contempt of Court for their wilful disobedience of the order passed by this Court in C.M.P.No.5670 of 2023 in A.S.No.64 of 2023 vide order dated 02.08.2023.



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2. Learned counsel for the petitioner submitted that this Court had passed an order in C.M.P.No.5670 of 2023 in A.S.No.64 of 2023 directing to post the Appeal Suit on 07.09.2023 and also directing both the parties to maintain the Status quo as on 02.08.2023, however, the respondents have alienated the properties covered in the Suit schedule and have violated the orders passed by this Court and also committed contempt of Court.

3. Perusal of records shows that the Hon'ble Mrs. Justice T.V.Thamilselvi had granted an order of interim injunction restraining the respondents from alienating the suit 'B' schedule properties which is the subject of O.S.No.03/2019 (Old O.S.No.18/2007) on the file of the learned Principal District Judge, Tiruvannamalai, on 12.07.2023. It is also seen that the petitioner has also moved a contempt petition earlier in Cont.P.No.2640 of 2023 and Hon'ble Mrs. Justice T.V.Thamilselvi, taking note of the allegations made by the petitioner in respect of the alienation of 'B' schedule properties by registered deeds dated 05.05.2023, 09.05.2023, 15.06.2023, 23.06.2023, 27.06.2023 and 19.07.2023, had closed the contempt petition and had directed both the parties to work out their remedy before the



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appellate Court as early as possible, however, without considering the same, the present contempt petition has been filed.

4. In view of the above, when the issue of contempt had already been raised and decided, this Court is of the opinion that the present petition is not maintainable. Thereby, this Contempt Petition stands closed. However, liberty is granted to the petitioner to work out the remedy by seeking for early disposal of the First Appeal.

22.02.2024

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A.D.JAGADISH CHANDIRA.,J.

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