



Cont.P.No.95 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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M/s.United Travel Services,
Rep. by its Director,
S.Arul Lazaran,
No.50, Red Cross Building,
1st Floor, Montieth Road, Egmore,
Chennai – 600 008.

... Petitioner

Vs.

D.Prem,
“Prem Gardens”,
5-A, Rajaji Nagar, P.N.Road,
Tiruppur – 641 602.

...Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act 1971, seeking to initiate criminal contempt proceedings and punish the respondent, for playing fraud on this Court, for making false submission on oath before this Court, for misleading this Court and securing orders fraudulently, interfering in judicial proceedings and interfering in the administration of Justice.



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For Petitioner : Mr.Abudu Kumar Rajaratnam

For Respondent : Mr.Akhil Bhansali

ORDER

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

The Contempt Petition has been initiated to punish the respondent, for playing fraud on this Court, for making false submission on oath before this Court, for misleading this Court and securing orders fraudulently interfering in judicial proceedings.

2.Certain disputed facts between the parties ought to be adjudicated in the proceedings, which are all pending before the Court. Allegations of fraud or misleading of Court are subjective in nature, which are all to be proved before the Court, in which the proceedings are pending. Based on certain pleadings or interim orders, if contempt proceedings are allowed to be initiated, it would hamper the effective adjudication of the main litigation pending between the parties. Therefore, the contempt jurisdiction in this



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context ought to be exercised sparingly to ensure that all such serious allegations are also enquired into by way of an effective adjudication by the Court concerned, where the litigations are pending between the parties.

3.The learned Senior counsel, Mr.Abudu Kumar Rajaratnam would submit that, knowing the fact that a decree has been passed in a Civil Suit, it has been suppressed by the respondent. More so, the order obtained by the 3rd party in C.P.No.411 of 2015, the respondent projected, as if, he had no knowledge about the proceedings. Admittedly, a settlement was agreed between the parties in another suit, suppressing the proceedings of the Official Liquidator.

4.The learned counsel for the respondent, Mr.Akhil Bhansali, would oppose by stating that, he had no knowledge about all these proceedings. Because, these proceedings are against the Company and he is holding the post of a Managing Director.



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5. Mere suppression would not raise a ground for initiation of contempt proceedings, in view of the definition under Section 2(b) & (c) of the Contempt of Courts Act, 1971. Therefore, the disputed facts of this nature cannot be a ground to invoke the provision of the Contempt of Courts Act. Thus, the parties are at liberty to workout their remedy in the manner known to law.

6. With the above observations, the Contempt Petition stands dismissed.

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Internet: Yes/No

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