



CONT.P.(MD)No.692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.06.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

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Therasamma

... Petitioner

-Vs-

Mr.Thangapandian,
The Branch Manager / Authorized Officer,
Aadhar Housing Finance Limited,
No.338/1, 1st Floor, RAMKV Square,
1st East Main Road, Anna Nagar,
Madurai-625 020.

... Respondents

PRAYER: Petition filed under Section 11 of Contempt of Courts Act, 1971
praying this Court to punish the contemnor / respondent for the willful violation
of the order passed in W.P.(MD)No.11340 of 2022, dated 14.11.2022.

For Petitioner : Mr.G.Vishnuram



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ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

This Contempt Petition has been filed, alleging disobedience of the order of this Court dated 14.11.2022 made in W.P.(MD)No.11340 of 2022.

2.By the said order, the Division Bench has passed the following order:-

“Recording the above submissions, the Writ Petition is disposed of directing the petitioner to pay the entire remaining outstanding amount, as on date, in five consecutive equal monthly installments. The first installment shall be paid on or before 15.12.2022 and the subsequent four installments shall be paid on or before the 15th day of every English Calendar month. Till such time, the second respondent shall not take any coercive action against the petitioner. If the petitioner fails to make payment in any one of the above installments, the second respondent may proceed further in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.”

3.Pursuant to the said order, it is the claim of the learned counsel for the petitioner that in five installments as directed by this Court, entire due has been



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paid and loan has been fully wiped out. Even after the said payment has been made, the proceedings under Section 138 of the Negotiable Instruments Act has been initiated. That has been shown as one of the contempt and also the learned counsel for the petitioner would submit that despite the payment has been made, original documents, which are withheld by the Bank, are yet to be provided to the petitioner. That is also one another violation, according to the petitioner, for which, this Contempt Petition is filed.

4.By repeated judgments, this Court, after following the judgment given by the Supreme Court, has held that unless there has been willful disobedience or willful default in complying with the orders passed by the Court, which has been specifically passed or ordered or directed, the jurisdiction under Contempt of Courts Act cannot be invoked. Here, no such eventuality has come, as no such direction has been given to any authorities not to initiate proceedings under Section 138 of the Negotiable Instruments Act or to release the documents belonging to the petitioner.



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5.All those issues cannot be gone into in a Contempt Petition that too, arising out of an order made in the Writ Petition, which does not speak about anything on those lines, which has already been extracted hereinabove.

6.Therefore, this Contempt Petition cannot be entertained and hence, it is closed. However, it is made clear that closing of the Contempt Petition will not preclude the petitioner from working out her remedy, if any such relief has been provided by this Court as discussed hereinabove in the manner known to law.

[R.S.K., J.] & [G.A.M., J.]
10.06.2024

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