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Cont.P.No. 723 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Contempt Petition No. 723 of 2020

S.Shri Subitha

...Petitioner

Vs.

1.P.Mariammal

2.P.Sakthikumar

...Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondents 1 and 2 for willfully disobeying the order of this Court dated 11.10.2018 made absolute on 27.03.2019 in O.A.No.930 of 2018 in C.S.No.682 of 2018.

For Petitioner : Mrs.Karthika Ashok

For Respondents : Mr.K.V.Babu

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

It is claimed that the respondent has committed contempt by alienating the properties subject matter of the suit, despite there being an order of interim injunction granted by this Court on 11.10.2018. This Court, by order dated 11.10.2018 restrained the respondents from making any form



of alienation or creation of encumbrance or third party interest in the suit properties without prior permission of the Court. The order was made absolute on 27.03.2019.

2. In the interregnum, it is brought to the notice of this Court that the respondents had sold certain properties on 12.10.2018 and had created a supplementary mortgage over certain properties on 06.09.2021. A counter affidavit has been filed stating that the sale deed was executed on 11.10.2018 and the same was registered on 12.10.2018. The 2nd contemnor left for China on 13.10.2018 and returned back only on 19.10.2018. This happened due to communication gap, since the order of injunction could not be communicated to him immediately.

3. As regards the mortgage, the learned counsel would submit that it was only an extension and would not amount to alienation or creation of third party interest. I am unable to agree with the contention of the learned counsel. The property was burdened with a charge for a sum of Rs.4,00,00,000/- in favour of a financial institutions. This mortgage dated 06.09.2021 has been created for a further sum of Rs.69,41,000/-. This is



clearly an act in violation of the orders of this Court.

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4. However, taking note of the fact that the learned counsel makes a submission that he would instruct his client to discharge his loan of Rs.69,41,000/- and relieve the property at the charge that they created after the order of injunction, I do not propose to impose a punishment. There will be a direction to the contemnors to discharge the supplementary mortgage created on 06.09.2021 and relieve the property for a sum of Rs.69,410,000/ within a period of twelve weeks from the date of receipt of a copy of this order.

5. It is also made clear that the purchaser under the sale deed dated 11.10.2018 and any other person, who had acquired an interest in the properties subject matter of the suit after 11.10.2018 would not be entitled to plead equities at the time of the final decree proceedings. The Registry shall put up this order in the contempt petition along with the original plaint so that it is available for perusal of the Court, which deals with the suit in future.



6. This Contempt Petition is therefore, closed. If the mortgage is not redeemed within a period of twelve weeks, it will be open to the petitioner to seek re-opening of the contempt. Consequently, connected sub-applications, if any, are closed.

09.07.2025

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Internet : Yes

Index: No

Speaking order

Neutral Citation : No



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R.SUBRAMANIAN, J.

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