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Cont.P.No.1059 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

Contempt Petition No.1059 of 2019
in
Civil Miscellaneous Petition No.2539 of 2018
in
Appeal Suit No.511 of 2011

1. D.S.James Nayagam
2. D.Inbanayagam
3. D.Jeevanayagam
4. B.Bala Baskar

... Petitioners

Vs.

1. Bright Samson,
Secretary,
St.Joseph Charity Trust,
No.6, Abiramist Teachers Guild Colony,
Villivakkam, Chennai – 600 049.
2. Bright Samson,
Secretary,
St.Joseph Group of Institutions,
No.8, 1st Street, Teachers Guild Colony,
Villivakkam, Chennai – 600 049.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of



Courts Act, 1971, to punish the respondents for the willful non-compliance and violation of the orders of this Court dated 01.02.2019 made in C.M.P.No.2539 of 2018 in A.S.No.511 of 2011.

For Petitioners : Mr.R.Gopinath

For Respondents : Mr.K.Gandhikumar

ORDER

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

The Contempt Petition has been instituted to punish the respondents for their willful disobedience of the order dated 01.02.2019 in C.M.P.Nos.2539, 18682 & 19829 of 2018.

2. The order of this Court reads as follows:

“The earlier order dated 07.11.2012 passed in M.P.Nos.3 and 4 of 2012 in A.S.No.511 of 2011 shall continue to be complied with by the appellant by payment of Rs.25,000/- per month, apart from arrears.

2. It is represented that the 4th respondent is said to have died. Therefore, the 4th respondent is directed to be take steps to bring the legal heirs on record by filing appropriate petition.”

3. Perusal of the order dated 07.11.2012, reads as under:



“It is seen from the orders of this Court dated 10.10.2012 that the defendants were directed to deposit a sum of Rs.2.50 lakhs and the same amount was directed to be kept in Fixed Deposit by the Registry until further orders. Learned Counsel for the plaintiffs submitted therein that they are filling a separate petition to direct the petitioners to pay the damages for the subsequent period also.

2. Taking note of the order passed by this Court as regards the damages claimed and the prima facie case made out by the petitioners in M.P.No.4 of 2012, this Court directs the respondents in M.P.No.4 of 2012 to deposit a further sum of Rs.2,50,000/- (Rupees two lakhs and fifty thousand only) on or before 07.12.2012, even though the period upto which the amount deposited was upto 11.07.2009.”

4. Though reference has been made regarding the order dated 07.11.2012, there is no specific direction in the said order, directing the respondents to pay a sum of Rs.25,000/- per month apart from arrears.

5. The learned counsel for the respondents/contemnors would submit that as per the order dated 07.11.2012, a sum of Rs.5 lakhs has already been deposited, which was acknowledged by the contempt petitioners.

6. Therefore, this Court do not find any willful disobedience of the order passed by this Court in the miscellaneous petition. However, reserving the right of the parties to adjudicate all these issues, the contempt petition stands closed.



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[S.M.S,J.] [K.R.S,J.]
13.02.2025

ssi

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. Bright Samson,
Secretary,
St. Joseph Charity Trust,
No.6, Abiramist Teachers Guild Colony,
Villivakkam, Chennai – 600 049.



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2. Bright Samson,
Secretary,
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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