



WEB COPY

Cont P No.2007 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CONT P No. 2007 of 2025

and

SUB.APPL.No.726 of 2025

1. R. S. Indhumathi @ S. Indhu,
W/o. P.R.Shiva Kumaar, B2 1204, 12th
Floor, The Crest Apartment, No. 142,
Velachery Main Road, Velachery,
Chennai 600 042.

2. R.S.Sushmetha,
D/o. P.R.Shiva Kumaar, B2 1204, 12th
Floor, The Crest Apartment, No. 142,
Velachery Main Road, Velachery,
Chennai 600 042.

Petitioner(s)

Vs

P.R. Shiva kumaar,
S/o. Late.Raja Gopal, B2 1204, 12th
Floor, The Crest Apartment, No. 142,
Velachery Main Road, Velachery,
Chennai 600 042. Current Residence at
M/s. Saravanaa Bhavan, Embassy Suit
Building, No. 2 and 3, AI Mateena St,
Deira Dubai, United Arab Emirates.
Email ID - shiva@saravanabhavan.com
prshivaa@yahoo.com

Contemnor(s)

For Petitioner(s): M/s. Vaibhav R. Venkatesh,

For Contemnor(s): Mr.AR.L.Sundaresan,
Senior Counsel
for Mr.AR.Karthik Lakshmanan



ORDER

Today, this matter is listed under caption 'for being mentioned'.

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2. The learned counsels for both sides have agreed that the contempt petition may be closed, instead of being dismissed.

3. In view of the above, paragraph 16 of the order in Cont.P No.2007 of 2025, dated 12.12.2025, stands modified as follows:

“16. In fine, the Contempt Petition is closed. Connected Sub-Application is closed.”

All other observations made in the said order dated 12.12.2025, shall remain unaltered.

dsn

19-12-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Note:

Registry is directed to issue fresh order copy to the parties concerned, after carrying necessary corrections.



Cont P No.2007 c



To

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P.R. Shiva kumaar,
S/o. Late.Raja Gopal, B2 1204, 12th
Floor, The Crest Apartment, No. 142,
Velachery Main Road, Velachery,
Chennai 600 042.



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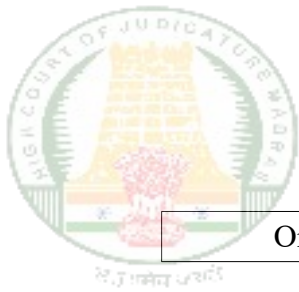
Cont P No.2007 c



P.B.BALAJI J.
dsn

CONT P No. 2007 of 2025

19-12-2025



IN THE HIGH Court OF JUDICATURE AT MADRAS

Order reserved on : 25.11.2025

Order pronounced on : 12.12.2025

CORAM

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THE HONOURABLE MR JUSTICE P.B. BALAJICont.P.No.2007 of 2025& Sub.Appl.No.726 of 2025

1.R.S.Indhumathi @ S.Indhu
2.R.S.Sushmetha

... Petitioners

Vs.

P.R.Shiva Kumaar

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 r/w Rule 4 of the Contempt of Courts Rules, High Court of Madras, 1975, to punish the 1st respondent herein for the willful and deliberate disobedience of the order dated 16.06.2025 passed by this Court in CMP.No.13643 & 13645 of 2025 in CRP.No.2361 of 2025.

For Petitioners : Mr.Vaibhav R.Venkatesh

For Respondent : Mr.ARL.Sundaresan
Senior Counsel
for Mr.A.R.Karthik Lakshmanan

ORDER

This contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971 r/w Rule 4 of the Contempt of Court Rules, High Court of Madras, 1975, alleging willful and deliberate disobedience of the order dated 16-06-2025 in CMP.Nos.13643 & 13645 of 2025 in CRP.No.2361 of 2025.



2.I have heard Mr.Vaibhav R.Venkatesh, learned counsel for the petitioners and Mr.ARL.Sundaresan, learned Senior Counsel for Mr.A.R.Karthik Lakshmanan, learned counsel for the respondent.

3. Mr.Vaibhav R.Venkatesh, learned counsel appearing for the petitioners would submit that the matter arises under the proceedings initiated by the petitioners herein before the Judicial Magistrate, Additional Mahila Court, Alandur, in D.V.C.No.2 of 2025. An order passed in Crl.M.P.No.175 of 2025 in the said DVC proceedings was challenged by the respondent herein. On 16.06.2025, after hearing the learned counsel for the petitioner, I had granted an ex-parte interim direction, as well as an interim stay of the order dated 17.03.2025. The complaint of the petitioners is that the respondent has deliberately violated the interim order granted by this Court on 16.06.2025 and even in the counter affidavit, no remorse has been shown by the respondent and that the respondent has chosen to comply with the orders of this Court at his convenience and not with a true intent to actually comply with the orders of this Court.

4.The learned counsel for the petitioners would refer to the date on which the respondent was served with the notice of the order dated 16.06.2025 and also point out to the alleged acts of willful disobedience and contempt committed by the respondent in this regard. He would therefore pray for suitable orders being passed, holding the respondent in gross contempt of orders of this Court.



5.Per contra, Mr.ARL.Sundaresan, learned Senior Counsel appearing for the respondent would submit that as on date there has been compliance of the order dated 16.06.2025 and though there has been some delay in effecting compliance, he would submit that the same is not deliberate or willful. In this regard, he would state that in the interregnum period, that is after 16.06.2025, the matter was repeatedly listed and being heard by this Court and attempts were being made by the respondent to vacate the interim order passed and in such circumstances, there cannot be any willful or deliberate motives attributed to the respondent, alleging that there has been disobedience of the order dated 16.06.2025.

6.The learned Senior Counsel would also invite my attention to the unconditional apology tendered in the counter affidavit as well as the undertaking that he will not enter the residential flat situated at Crest Apartments, till the disposal of the application for vacating the interim order dated 16-06-2025 in CRP.No.2361 of 25 or disposal of the CRP itself, as the case may be. The learned Senior Counsel would therefore state that the content petition may be dismissed.

7.I have carefully considered the submissions advanced by the learned counsel for the petitioners and the learned Senior Counsel for the respondent.

8.The contempt petition was entertained and statutory notice was issued to the respondent on 09-09-2025. In obedience to the statutory notice, the respondent appeared in person on 13-10-2025 and tendered his unconditional apology in



person. Subsequently, the matter was adjourned for filing counter in the contempt petition, which also came to be filed, to which a rejoinder has also been filed by the petitioners.

9.The fact that, the respondent has violated the order dated 16-06-2025, is not even an area of dispute. The respondent admits that there has been a violation, but pleads that the violation is not willful or deliberate. The respondent has given reasons for the delay in complying with the order dated 16-06-2025. The parties are admittedly husband (respondent) and wife (1st petitioner) and the 2nd petitioner is none else than the daughter of the 1st petitioner and the respondent. Before the Additional Mahila Court, the petitioners filed CrI.M.P.No.175 of 2025, seeking injunction to restrain the respondent from interfering with the possession of the petitioners, of the residential flat, which is situate Crest Apartments and an ex-parte interim injunction was granted on 17-03-2025 and on 10-06-2025, the respondent has given an undertaking and recording the same, the order dated 17-03-2025 was modified on 10-06-2025, permitting the respondent to use one bedroom in the residential flat at Crest Apartment, during his stay at Chennai.

10.It is the said modified order dated 10-06-2025, which is under challenge in pending CRP.No.2361 of 2025. No doubt, an ex-parte interim stay, as well as interim direction was granted on 16-06-2025 and the respondent was put on notice about the same on 19-06-2025. In the contempt petition, I find that the petitioners allege that the respondent has willfully disobeyed the order dated 16-06-2025, on



18-06-2025, as can be seen in paragraphs 9 to 12.

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11. Admittedly, the respondent has been served with notice only on 19-06-2025, I am unable to hold that the respondent has breached the order passed by this Court on 18-06-2025. The grievance of the petitioner even in the contempt petition is that they cannot stay along with the respondent in the shared household. Admittedly, the relationship has soured to such an extent that the parties are litigating at various levels at Courts, not only in India, but abroad as well. Insofar as the respondent moving out from the flat only on 18-06-2025, it is vehemently contended by the learned counsel for the petitioners that the respondent did not vacate in obedience to the order passed by this Court, but only on account of his then trip in India, having come to an end and he had to go to Dubai.

12. The respondent has also filed an application to vacate the interim stay granted and after 19-09-2025, when the respondent was served, admittedly there have also been proposals for amicable settlement being exchanged between the counsel on behalf of their respective clients and even before me, requests were made by the respondent to permit him to use one bedroom where the belongings of the respondent were available and would be necessary to be accessed by the respondent whenever he comes to Chennai. Ultimately, the parties could not reach any settlement and therefore, I informed the learned counsel for the respondent that the application to vacate the interim orders can be taken up, only if there is



compliance made first up by the respondent. It is thereafter that on 28-06-2025, the petitioner has moved out of the residential flat.

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13.In the above circumstances, I do not find that there has been any willful or deliberate disobedience of the order dated 16-06-2025, warranting this Court to hold the respondent guilty of contempt. In the counter affidavit also, the respondent has expressed his unconditional apology, besides also giving an undertaking that without prejudice to the rights and contentions in CRP.No.2361 of 2025 and the application to vacate the interim order dated 16-06-2025, the respondent will not enter the residential flat in Crescent Apartment.

14.Though it is vehemently contended by Mr.Vaibhav R.Venkatesh that the respondent's unconditional apology is without admitting to having breached the order, I am unable to countenance the said argument of the learned counsel for the petitioners. According to the respondent, he has not intentionally or unintentionally violated the interim order and has therefore couched the affidavit in such a manner that in the event of this Court coming to a conclusion that the conduct of the respondent amounts to a violation of the interim order, then he requests that his unconditional apology is accepted.



15.I have already found that the attempts of the respondent to access the flat, despite the interim orders, pending deliberations between the parties and also an application to vacate the interim order, cannot be termed as willful disobedience of the orders of this court. In such circumstances, I am inclined to accept the unconditional apology tendered by the respondent. The undertaking given by the respondent that he will not enter the residential flat under the occupation of the petitioners, until further orders or clarifications are issued in the pending CRP.No.2361 of 2025 and also the miscellaneous petition filed for vacating the interim order dated 16-06-2025 is also recorded.

16.In fine, the Contempt Petition is dismissed. Connected Sub-Application is closed.

12.12.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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Cont P No.2007 c



P.B. BALAJI,J.

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Pre-delivery order made in
Cont.P.No.2007 of 2025
& Sub.Appl.No.726 of 2025

12.12.2025