



Sub Application(MD)Nos.363 and 364 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21/01/2025

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Sub. Application (MD)Nos.363 and 364 of 2024

in

Cont.P(MD)No.1548 of 2024

G.Muniratnam : Petitioner/Petitioner/
Petitioner

Vs.

M.Senthilkumar : Respondent/Respondent/
Respondent

PRAYER in Sub.Application (MD)No.363 of 2024:-This Sub Application is filed under section 151 of the Civil Procedure Code to reopen the order, dated 06/09/2024 made in Contempt Petition (MD)No.1548 of 2024 on the file of this court.

PRAYER in Sub.Application (MD)No.364 of 2024:-This Sub Application is filed under section 151 of the Civil Procedure Code to stay of all further proceedings in CC No.1138 of 2024 on the file of the Judicial Magistrate No.IV, Thoothukudi, pending disposal of the contempt petition No.1548 of 2024 on the file of this Court.

For Petitioner : Mr.R.Govindaraju
(in both cases)

For Respondent : Mr.M.Senthil Kumar
(in both cases) (Party in person)



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COMMON ORDER

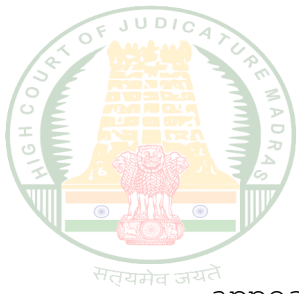
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WP (MD) No.24996 of 2023 was filed by this petitioner seeking an order directing the Investigating Officer to seize the original records from the respondent herein.

2.When the matter was taken up for hearing, the respondent was present before this court in person. He given an undertaking that he will produce the documents before the trial court. Recording the statement made by the respondent herein, the writ petition was closed.

3.Later, it appears that the respondent did not comply the above said undertaking. So, contempt petition was filed in Cont.P(MD)No.1548 of 2024 for punishing the respondent-party-in-person. Again in that matter, the respondent appeared and given another undertaking stating that he will produce the original documents before the trial court. On that account, the contempt petition was closed.

4.Again, another trouble arose before the trial court in the form of non-compliance of the undertaking. So, for reopening the contempt petition, these sub applications have been filed by the petitioner.



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5. Notice was ordered to the respondent. He was also appeared as party-in-person before this court.

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6. At the time of hearing, the respondent made objection stating that he cannot produce the original documents before the trial court. This court observed that if he got any reservation regarding the production of the original documents, he can produce the copy of the documents. There was objection by the petitioner stating that he filed the writ petition for production of the original documents.

7. Whether the original records are required to the trial court cannot be a matter for consideration by this court. It is for the trial court to decide the issue.

8. But perusal of the records, further, shows that due to non appearance of the respondent herein warrant was issued, executed arrested and remanded to judicial custody. Later, he filed an application for bail. That came to be allowed with certain conditions. One of the conditions is that he must produce the original documents at the time of the trial. That order was passed on 04/10/2024 with a condition that he must produced the original documents within five days from the date of



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release from the prison. But that order was also not complied. In the meantime, these sub applications have been filed, on 02/12/2004.

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9.Since already an order was passed by the trial court, while granting bail, that order must be complied by the respondent herein. If the order is not complied by the respondent, the petitioner is at liberty to move the concerned court for appropriate orders. Without resorting to such remedy, these sub applications have been filed, which is not proper.

10.With the above said liberty, these sub applications stand **dismissed**. No costs.

22/01/2025

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Jdicial Magistrate No.IV,
Tuticorin.
- 2.The Section Officer,
Contempt Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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