

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7310 OF 2019
(@ out of SLP (C) No.9091/2019

SALAMMA RAJU

Petitioner(s)

VERSUS

P G RAJU

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the order dated 19.02.2019 passed by the High Court of Karnataka at Bangalore in I.A. No.3 of 2018 in R.F.A. No.563 of 2018, which application alleged violation of an interim order dated 13.05.2018 passed by the High Court in said RFA No.563/2018. Initiation of contempt proceedings was, therefore, sought against the present appellant. After notice having been issued, statement of objections was filed on behalf of the appellant and without considering whether the violation as alleged was proved, the High Court passed the following observations:

“Having heard the learned counsel, as well as considering the application objections, we are of the view that gross contempt has been committed by the appellant. Hence the application - IA No.3 of 2018 is allowed. Registry is directed to initiate contempt proceedings against the appellant for having disobeyed the interim order dated 30.05.2018 passed by this Court in Regular First Appeal No.563 of 2018.”

Exception is taken to the aforesaid observation in the present appeal.

We have heard learned counsel for the parties and with their assistance have gone through the record of the case.

It must be stated that it is a matter of record that the parties were married and have separated since 2010.

According to the record, both husband and wife are presently in occupation of half share each in the premises and their shares are distinct and different.

In the circumstances, in our considered view, the issue whether there was any violation of the interim order ought to be decided first before initiating any action in contempt. We, therefore, set aside the aforesaid observations and request the High Court to consider the matter on merits.

This appeal stands disposed of. No costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

New Delhi
September 16, 2019.

ITEM NO.50

COURT NO.7

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 9091/2019

(Arising out of impugned final judgment and order dated 19-02-2019 in IA No. 3/2018 passed by the High Court Of Karnataka At Bengaluru)

SALAMMA RAJU

Petitioner(s)

VERSUS

P G RAJU

Respondent(s)

Date : 16-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Nishanth Patil, AOR
 Mr. Chirag Jain, Adv.

For Respondent(s) Mr.Anand Sanjay M. Nuli, Adv
 Mr. Dharm Singh, Adv.
 Mr. Nanda Kr. K.B., Adv.
 M/S. Nuli & Nuli, AOR

UPON hearing the counsel the Court made the following
 O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

Pending applications, if any, shall also stand disposed of.

(INDU MARWAH)
 COURT MASTER

(SUMAN JAIN)
 BRANCH OFFICER

(Signed order is placed on the file)