

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION(C) NO.707/2020
IN
SPECIAL LEAVE PETITION (C) No. 18446/2019

S.ALAGU SUNDAR

PETITIONER(S)

VERSUS

GOMATHINAYAGAM @ KANNAN & ORS.

RESPONDENT(S)/
CONTEMNOR(S)

WITH

CONTEMPT PETITION (C) DIARY NO.5359/2021
IN
SPECIAL LEAVE PETITION (C) No. 18446/2019

O R D E R

In view of order passed in Special Leave
Petition (C) No. 18446/2019, these contempt petitions
and pending applications stand disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(C.T. RAVIKUMAR)

NEW DELHI
NOVEMBER 08, 2021

ITEM NO.31 Court 3 (Video Conferencing) SECTION XII

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). 18446/2019

(Arising out of impugned final judgment and order dated 29-11-2018 in ASN No. 883/1988 passed by the High Court Of Judicature At Madras At Madurai)

GOMATHINAYAGAM@KANNAN & ORS. Petitioner(s)

VERSUS

SANKARI & ORS. Respondent(s)

IA No. 104399/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 70818/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 104401/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 104394/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 178765/2019 - EXEMPTION FROM FILING O.T.
IA No. 121446/2020 - EXEMPTION FROM FILING O.T.
IA No. 114729/2019 - EXEMPTION FROM FILING O.T.
IA No. 104400/2020 - EXEMPTION FROM FILING O.T.
IA No. 104391/2020 - EXEMPTION FROM FILING O.T.
IA No. 82816/2020 - EXEMPTION FROM FILING O.T.
IA No. 178762/2019 - PERMISSION TO FILE SUPPLEMENTARY ADDITIONAL COUNTER AFFIDAVIT/AFFIDAVIT)

WITH

CONMT.PET.(C) No. 707/2020 in SLP(C) No. 18446/2019 (XII)
IA No. 44142/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 129928/2020 - EXEMPTION FROM FILING O.T.)

Date : 08-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties :

Mr. Pallav Shisodia, Sr. Adv.
Mr. A. Raj Narayanan, Adv.
Mr. Samindra Kmar Tripathi, adv.
Mr. A. Lakshminarayanan, AOR

Mr. Gopal Shankaranarayana, Sr. Adv.
Mr. K. Paari Vendhan, AOR
Mr. Shrutanjaya Bhardwaj, Adv.
Ms. Malar Vendhan, adv.
Mr. Raghunatha Sethupathy B, Adv.

Mr. V. Krishnamurthy, Sr. Adv.
Mr. Siddharth Naidu, Adv.
Mr. V. Balachandran, Adv.
M/S. KSN & Co., AOR

Mr. K. Paari Vendhan, AOR

Mr. Shree Pal Singh, AOR

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

Heard learned counsel for the parties.

In view of the concurrent findings of the facts recorded by the trial Court, which commended to the First Appellate Court as well as the High Court in the Second Appeal, no interference is warranted. Hence, we decline to interfere in this Special Leave Petition.

It has come on record that during the pendency of this petition, despite the solemn assurance given by the petitioner(s) through counsel that *status quo* shall be maintained with regard to the properties, as noted in order dated 28th October, 2021, the petitioner(s) have indulged in disposing of the property by executing Power of Attorney. The fact that such Power of Attorney was executed in September, 2021 was not disclosed to this Court.

The purpose of executing the Power of Attorney was, obviously, to enter into further

transactions. Even for that reason, no indulgence can be shown to these petitioners. The special leave petition is, therefore, dismissed.

At the same time, it needs to be clarified that all transactions will have to abide by the decree passed by the Civil Court, irrespective of who has entered into such transactions. The decree needs to be executed and taken to its logical end in accordance with law expeditiously.

In view of the above order, the contempt petitions and pending applications, if any, are disposed of with liberty to contempt petitioners to pursue other appropriate remedy as per law. All contentions in such proceedings are left open.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order in contempt petitions is placed on the file.)