

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

**PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,
Subordinate Judge, Palladam**

Thursday of 23rd October, 2025

**IA No.4/2025
in
OS No.248/2023**

Chithra

... Petitioner/ 4th Defendant

/Vs/

Sundaram

... Respondent / Plaintiff

This petition is coming on 17.09.2025 for final hearing before me in the presence of Thiru.P.Venkatachalapathy,M.A.,B.L., Advocate for the petitioner and Thiru.Manoj,B.A.,B.L., Advocate for the Respondent. Upon hearing both side argument and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following..

ORDER

This application was filed by the Petitioner / 4th Defendant for initiating contempt proceedings as against the Respondent / Plaintiff under Order XXXIX Rule 2A of CPC.

2. The Learned Counsel for the Petitioner / 4th Defendant vehemently argued that the main suit was filed by the Respondent / Plaintiff for the relief of partition along with Mandatory Injunction to remove the iron fencing in the suit property.

3. The Learned Counsel for the Petitioner / 4th Defendant argued that pending this suit the Respondent / Plaintiff filed an application in I.A. No.2/2023 for a temporary injunction not to construct any building over the suit property. In that application on 26.11.2014 this Court had passed an interim order that the 4th Defendant was directed not to construct any building over the suit property till the disposal of the suit. While so after receiving the copy of the order the Learned Counsel for the Respondent / Plaintiff issued a notice to the Petitioner / 4th Defendant that as per order of this Court the Petitioner / 4th Defendant are directed to remove or dismantle the building construction work which was already made in the suit schedule property within a span of 7 days from the receipt of the legal notice.

4. It is clear that as per order of this Court in I.A. No. 2/2023 there is no such finding was given by this Court to remove or dismantle the building construction work in the suit property. Hence it is a clear contempt and prayed for initiation of contempt proceedings.

5. The Learned Counsel for the Respondent / Plaintiff argued that admittedly this Court had passed an order that not to construct any building over the suit property so he issued notice to not construct any building, but inadvertently he averted to remove the superstructure. Hence placed his unconditional apology over the notice and prayed to record the same.

II. Now point for consideration is whether this petition is allowed?

6. Heard Both sides. Perused entire records. On careful perusal of records admittedly this Court had passed an order in I.A. No.2/2023 restraining the Petitioner / 4th defendant not to construct any building in the suit schedule property, but on careful perusal of notice issued by the

Learned counsel for the Respondent / Plaintiff he had stated that this Court had passed an order not to construct any work and further he also avert that court had directed the Petitioner / 4th Defendant to remove the superstructure which was already there in the suit property and admittedly it was not the finding of the Court.

7. Here on careful consideration of submissions made by the Learned Counsel for the Respondent / Plaintiff that it was inadvertently issued and taking note of the fact that since he seeks apology over the same there is no need for taking cognizance for contempt over the same.

With this observation this application is disposed as dismissed. No Costs.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 23rd October 2025.

Subordinate Judge,
Palladam.

Fair / Final Order

IA No.4/2025 in OS 248/2023

Date: 23.10.2025