

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION(Civil) No. 304/2021

IN

C.A. No. 2710/2010

MANJUNATH BABU K

Petitioner(s)

VERSUS

NARASAMMA & ORS.

Respondent(s)

O R D E R

We note with regret the continued contumacious conduct of the respondents. Even after possession was taken over through the executing Court as per our order dated 21.02.2022, they have re-possessed the property by breaking open locks. A period of 13 months have passed from the date they were required to handover possession and they have been enjoying the benefits of the properties and rentals from the space. Apart from anything else the contemnors before us have to retribute the petitioner for amount which they have realized and we assess the same in view of what has been stated before us at Rs. 40,000/- per month, which comes to Rs. 5,60,000/-. This amount will be remitted to the petitioner within a period of one month from today.

Insofar as the requirement of the petitioner to demolish the structure is concerned, learned counsel submits

that they will take about two weeks for the same. If required, the police to provide assistance for the same and the expenses to be charged to the respondents. The police will also investigate the incident about the respondents/at their instigation people coming and stoning the house of the petitioner and to proceed in accordance with law expeditiously.

The respondents already stand convicted of contempt. It is a case of aggravated contempt. The respondents do not seem to be genuinely apologetic for what they have done. They are entitled to the maximum, sentence for contempt.

We thus direct that the respondents will be kept in civil prison for a period of 6 months for their conduct. At the request of learned counsel for the respondents we are taking a more compassionate view and if the amount of damages as assessed is paid within one month from today, the period of custody will be restricted to the date of the payment of the amount, failing which they will serve out the remaining period of sentence upto 6 months. Thus in any case, they have to serve out a sentence of one month.

The respondents are also cautioned to be careful in future as they are already convicted of contempt in the present proceedings.

The contempt petition is accordingly disposed of.

A copy of the order to be sent to the Commissioner of Police, Bangalore for necessary action.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[M.M. SUNDRESH]

NEW DELHI;  
MARCH 04, 2022.



