

HIGH COURT OF ANDHRA PRADESH**Bench: Justices U. Durga Prasad Rao and Sumathi Jagadam****Date of Decision: 21st June 2024**

Case No.:

SPECIAL ORIGINAL JURISDICTION

CONTEMPT CASE NO. 54 OF 2024

PETITIONER(S): M. Mahaboob Bi and Others**VERSUS****RESPONDENT(S): Lok Adalat At Madanapalle and Others****Legislation:**

Sections 10 to 12 of the Contempt of Courts Act, 1971

Subject: Contempt case filed for willful disobedience of court orders dated 12.03.2015, passed by the Division Bench in W.P.M.P. No.3982 of 2015 in W.P. No. 2977/2015, relating to a compromise and award by Lok Adalat requiring execution of a sale deed.

Headnotes:

Contempt of Court – Willful Disobedience – Petitioners sought to punish respondents for disobeying orders of the Division Bench of the High Court – Respondents claimed good faith, misunderstanding the status of interim order – Court accepted unconditional apologies considering no further actions were taken post-execution petition – Contempt case closed with direction to respondents to halt further proceedings in E.P.12/2022 [Paras 1-8].

Execution of Compromise Decree – Lok Adalat Award – Compromise reached and award passed by Lok Adalat required execution of sale deed – Respondent filed execution petition post interim stay order, misunderstanding it was vacated – Court emphasized the duty to verify the status of interim orders before proceeding [Paras 2-4].

Apology and Undertaking – Respondent's Conditional Compliance – Respondent tendered unconditional apology and submitted undertaking to cease further actions in execution proceedings till disposal of main writ petition – Court accepted apology but highlighted the importance of verifying court orders [Paras 6-7].

Decision – Contempt Case Closed – Held – Apologies accepted and directions given to halt proceedings in E.P.12/2022 – No costs awarded – Interlocutory applications, if any, to stand closed [Para 8].

Referred Cases:

None cited.

Representing Advocates:

Counsel for the Petitioners: A.V. Sivaiah

Counsel for the Respondents: G. Ramesh Babu

ORDER (Per Hon'ble Sri Justice U. Durga Prasad Rao)

This Contempt Case is filed U/s 10 to 12 of Contempt of Courts Act, 1971 by the petitioners seeking to punish the respondents for deliberately and willfully disobeying and flouting the orders dated 12.03.2015 passed by the Division Bench of this Court in W.P.M.P. No.3982 of 2015 in WP No. 2977/2015.

2. The factual matrix of the case is thus:

(a) The 2nd respondent herein filed O.S No.512/2014 on the file of Additional Senior Civil Judge, Madanapalle against respondents 3 to 11 herein seeking a decree for specific performance of the contract and for a direction to defendants to execute a registered sale deed pursuant to the sale agreement dt:26.09.2014 in favour of the plaintiff and put the petitioner in possession of the plaint schedule property.

(b) While so, pending the suit, both the parties entered into a compromise before Lok Adalath at Madanapalli and accordingly the Lok Adalat Bench passed an award dated 06.12.2014 in Lok Adalat Case No.512/2014 to the effect that the defendants should execute a regular registered sale deed in favour of the plaintiff in respect of plaint schedule property at the cost of plaintiff on or before 28.01.2015, failing which the plaintiff will be at liberty to obtain regular sale deed through process of law as well as for delivery of possession by filing execution petition.

(c) Pursuant to the award the plaintiff filed EP No.12/2022 in OS No.No.512/2014 on the file of Additional Senior Civil Judge, Madanapalle for execution of registered sale deed in favour of DHR basing on the Lok Adalat Award dated 06.12.2014. In the EP the DHR narrated that subsequent to Lok Adalat Award he demanded the JDR / defendant on several occasions

to execute a regular registered sale deed in his favour but in vain and he has already paid the entire sale consideration of Rs.10 lakhs on 26.09.2014 and hence he prayed the Court to enforce the Lok Adalat award at the expense of JDRs. In the said EP, JDRs appeared and filed counter and contended that the decree holder filed EP without depositing the balance sale consideration of Rs.2 lakhs and therefore the EP was not maintainable. However, the execution Court on perusal of the record and award observed that no balance of sale consideration to be paid or deposited as alleged by the JDRs and allowed the EP on 16.10.2023 by overruling the objections of the JDRs and posted the matter to 24.11.2023 for filing the draft sale deed.

(d) While so, the petitioners in CC 54/2024 filed the instant CC on the allegation that they are the co-owners along with the defendants in OS No.512/2014 and without their knowledge the plaintiff and defendants therein colluded and obtained fraudulent award and therefore the petitioners filed W.P.No.2977/2015 to set aside the award passed in Lok Adalath Case No.512/2014. Their further case is that along with writ petition they filed W.P.M.P.No.3982/2015 wherein Division Bench of Common High Court of A.P passed order on 12.03.2015 and granted interim stay of all further proceedings pursuant to the award in Lok Adalat Case No.512/2014. The present respondents are the parties in the said writ petition and they are aware of the interim order. In spite of the same, the plaintiff filed execution petition and obtained order in gross violation of interim order.

Hence the CC.

3. Notice was ordered to respondents. Sri G. Ramesh Babu, learned counsel appearing for respondents 2 to 12 filed counter on behalf of respondents 2 to 11.
4. The submission on behalf of respondent 2/DHR/plaintiff in the said counter is that as per the legal advice given by his counsel, the respondents were of the view that interim order was not extended from time to time and therefore it was automatically vacated and hence there was no bar for him to file execution petition. Being only a semi literate and having studied only 10th class, in good faith, he filed EP and obtained orders. However, after approaching the counsel in the High Court for legal advice he came to know that the interim order is in force. In the counter it is further submitted that he tenders his unconditional apologies for the inconvenience caused to the Court and his action may not be construed as violation of the order of the

Court as his acts are neither intentional nor wanton. It is further submitted in the counter that he will not obtain any sale deed or like order till disposal of the main writ petition No.2977/2015. Offering un-conditional apologies, respondents prayed to dismiss the contempt case. Apart from the counter, he also filed an undertaking affidavit on behalf of respondent No.2 with the same averments.

5. Heard learned counsel for the petitioners Sri A.V. Sivaiah and learned counsel for respondents Sri G. Ramesh Babu .
6. While learned counsel for the petitioners vehemently argued that the respondents have deliberately flouted the orders of the Court and therefore they are liable to contempt, on the other hand, Sri G. Ramesh Babu, learned counsel for respondents would submit that the 2nd respondent was under *bonafide* belief that the interim order which was passed long back in the year 2015 was not thereafter extended and therefore it was automatically vacated and under such *bonafide* impression he filed EP and obtained order. However, after the contempt case was filed, he approached his counsel in the High Court and came to know that the interim order as well as writ petition are still pending and therefore having realized his mistake, the 2nd respondent/ plaintiff in his counter as well as by way of an undertaking affidavit made it clear that he will not seek any further orders till the disposal of the writ petition and therefore his unconditional apologies may be accepted by the Court and Contempt Case may be closed.
7. We are of the view that though the explanation is not satisfactory for the reason that the petitioner ought to have made enquiries with regard to the status of the interim order, however considering the fact that after obtaining the orders in EP the matter was not proceeded further and the registered sale deed was not obtained so far, and that the 2nd respondent has given an undertaking that he will not proceed further in the EP and will not obtain registered sale deed till the disposal of the writ petition, we deem it apposite to accept the unconditional apologies of the 2nd respondent/DHR and close the Contempt Case, however with a direction that the respondents 2 to 11 shall not further proceed in E.P.12/2022.
8. Accordingly, the Contempt Case is closed. No costs.

As a sequel, interlocutory applications if any pending, shall stand closed.

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