

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2012

CORAM

THE HONOURABLE MR.JUSTICE S. MANIKUMAR

C.R.P.(PD)No.4219 of 2010 and  
Contempt Petition No.1483 of 2010  
M.P.No.1 of 2010 and  
Sub.Appl.No.467 of 2010

- 1.Sri Aurobindo Ashram Trust,  
rep. by its Managing Trustee,  
Manoj Das Gupta
- 2.Manoj Das Gupta
- 3.Dr.Dilip Kumar Datta
- 4.Avinash Patel @ Albert
- 5.Prabhakar Rupanagunta @ Batti .. Petitioners in both petitions/  
Respondents/Defendants

Versus

- 1.Jayashree Prasad
- 2.Arunashri Prasad
- 3.Rajyashree Prasad
- 4.Nivedita Prasad
- 5.Hemalata Prasad .. Respondents in both petitions/  
Petitions/Plaintiffs

Prayer made in CRP(PD)No.4219 of 2010: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order of the learned Principal District Munsif, Pondicherry, passed in I.A.No.2094 of 2010 in O.S.No.409 of 2005, dated 27.10.2010.

Prayer made in Cont.P.No.1483 of 2010: This petition is filed under Sections 10 and 12 of the Contempt of Courts Act, 70/71 to punish the respondents for having committed contempt of Court for disobeying the order, dated 21.06.2010 made in C.R.P.(PD)No.3314 of 2007.

For petitioners : Mr.C.A.Diwakar

For Respondents : Mr.M.L.Ganesh (in C.R.P.(PD)No.4219 of 2010)  
Mr.Vincent (in Cont.P.No.1483 of 2010)

COMMON ORDER

Parties are one and the same. Common pleadings have been made by either parties and hence, both C.R.P.(PD)No.4219 of 2010 and

Contempt Petition No.1483 of 2010, are taken up together and disposed of by a common order.

2: The defendants in O.S.No.409 of 2005, on the file of the learned District Munsif, Pondicherry, are the revision petitioners. The plaintiffs in the suit are the respondents in this revision. The plaintiffs have filed the suit, challenging their expulsion from Sri.Aurobindo Ashram. The plaintiffs have filed I.A.No.1500 of 2005, for an interim injunction, against the defendants, restraining them from denying, depriving and stopping their basic necessities, like, food, clothing, shelter and other amenities from 30.04.2005, pending disposal of the suit. After enquiry, the trial Court has granted an order of injunction on 10.06.2005. Being aggrieved by the same, the defendants have filed C.M.A.No.35 of 2005, against the order in I.A.No.1500 of 2005. The Civil Miscellaneous Appeal has been dismissed on 30.01.2007. Thereafter, the defendant has filed C.R.P.No.3314 of 2004, against the order in C.M.A.No.35 of 2005. The Civil Revision Petition has been disposed of, on 29.01.2008, as follows:

"(i) The petitioners herein are bound to provide all the facilities, basic amenities which they were enjoying hitherto to the respondents.

(ii) The first and second respondents shall intimate the petitioners the place of their choice to reside till the disposal of the suit within one week from the date of receipt of the copy of this order by registered post with acknowledgement.

(iii) On receipt of the same, the petitioners shall pay all charges for the boarding, food, etc., to the Management of the Boarding.

(iv) The petitioners shall also pay reasonable amount to the respondents for their clothing and for other basic amenities.

(v) The above direction shall be carried out by the petitioners till the disposal of the suit in one way or other.

(vi) The learned Principal District Munsif, Puducherry is directed to dispose of the suit as expeditiously as possible preferably on or before 30.04.2008, uninfluenced by the orders passed by the trial Judge, appellate Judge and by me in this Revision."

3. Thereafter, the defendants have filed M.P.No.1 of 2008 in C.R.P.No.3314 of 2007, for clarification. On 04.08.2008, in M.P.No.1 of 2008, this Court has passed the following order,

"7. While disposing of the representation, dated 29.01.2008, I have taken into consideration that it may not be in the interest of the respondents to reside in the Ashram, since already a complaint had been made against the inmates of the Ashram. Considering the said fact in mind, I have directed them to reside elsewhere and the petitioners have been directed to provide monetary help for their stay outside. Further, the Management have been directed to provide amount not only for boarding, but also for food, clothing and for other basic amenities. As stated already, considering the safety of the respondents, it would be more appropriate to direct them to choose a place which is not owned by the Ashram and they shall do so by intimating the petitioners of their choice of residence till the disposal of the suit within one week from the date of receipt of the copy of the order by registered post with acknowledgment. On receipt of the same, the petitioners shall pay all the charges such as, boarding, food, clothing, etc., I hope that atleast by now, the respondents will forthwith decide the place of their choice and intimate the same to the petitioners within the time stipulated by this Court without insisting for resident in the Ashram or the property owned by the Ashram and also without insisting the food in the same Ashram.

8. The learned Principal District Munsif, Puducherry, is directed to dispose of the suit as expeditiously as possible preferably on or before 31.10.2008.

9. Though I have directed the learned Principal District Munsif to dispose of the suit on or before 31.10.2008, it is represented by the learned Counsel that the transfer application is pending before the Principal District Judge, Puducherry in Tr.O.P.No.85 of 2002 and hence, the learned District Munsif Court not take up the suit. Considering the above facts and circumstances by consent, I direct the learned Principal District Judge, Puducherry to dispose of Tr.O.P.No.85 of 2002 as expeditiously as possible preferably within two weeks from the date of receipt or production of the order whichever is earlier so as to enable the learned Principal District Munsif to dispose of the suit as directed by this Court."

4. The defendants have filed M.P.No.2 of 2008, for further clarification. Record of proceedings shows that this Court suo-motu appointed an Advocate Commissioner, to visit the place of accommodation and submit a report. The report of the learned Advocate Commissioner was not favorable to the defendants. In M.P.No.2 of 2008, vide order, dated 21.06.2010, this Court directed the defendants to provide accommodation and food in a Working Women's Hostel. The plaintiffs have been informed by the Secretary of the Hostel that the Hostel was not in a position to accommodate the plaintiffs or give them food.

5. Earlier, this Court, in its order, dated 21.06.2010, has directed the plaintiffs to vacate from the Ashram and get themselves accommodated at Jenny Working Women Hostel at Pondicherry or its annexe, at Door No.1, 6<sup>th</sup> Cross, Brindavanam, Pondicherry, on and from 15.07.2010 and further directed the defendants to bear the cost of accommodation, including food, fixing the amount at Rs.3,000/- per month, to each one of them and also to pay Rs.2,800/- per month, to each one of them, for other expenses, either by depositing the said amount in the accounts of the plaintiffs, on their furnishing their bank account numbers, or to send the said amount to them, by way of money order, on or before 10<sup>th</sup> of Every month from July' 2010. The first plaintiff has received the said order and the other petitioners have refused to receive the said order, sent by the defendants. The 1<sup>st</sup> plaintiff, by her reply, dated 20.07.2010, has expressed her intention not to vacate the Ashram and she has referred the order of this Court, dated 21.06.2010 as illegal. Jenny Working Women Hostel had accepted from the defendants a sum of Rs.1,75,000/- for the expenditure of the plaintiffs.

6. According to the plaintiffs, due to a fraudulent representation made by the defendants, the Secretary of Jenny Working Women's Hostel have refused accommodation and therefore, the order, dated 21.06.2010, passed in M.P.No.2 of 2008, has become otiose and therefore, the plaintiffs could not claim any right under the order, dated 21.06.2010, made in M.P.No.2 of 2008. The plaintiffs have alleged that the defendants have stopped food and other basic needs to the plaintiffs by use of force. According to them, the defendants have denied food and other basic needs to the plaintiff from 22.07.2010. Harassment by the defendants has also been alleged.

7. It is the case of the defendants that they have sent a sum of Rs.2,800/- to each of the plaintiffs. The money order sent to the plaintiffs have been refused and the plaintiffs have not moved to their accommodation. Before the trial Court, PW.1, has been examined and Exs.P1 to P4 have been marked. Exs.R1 to R10 have been marked. The present I.A.No.2094 of 2010, filed before the lower Court is to restore food and other basic needs, which are available in the Ashram and stopped from 22.07.2010, till the disposal of the suit. As per

the orders of this Court, dated 21.06.2010, the defendants have made alternative arrangements for the plaintiffs. But the plaintiffs have disobeyed the orders of this Court and also used contumacious expression in their reply to the defendants. Hence, they have filed Contempt Application No.1483 of 2010.

8. Material on record shows that in M.P.No.1 of 2008, this Court has passed an order, dated 04.08.2008, directing the plaintiffs to choose a place other than the Ashram, after intimating the defendants, about the place of choice of residence, till the disposal of the suit. This Court has also directed the learned District Munsif to dispose of the suit on or before 31.10.2008. Since an application for transfer was pending, in Transfer O.P.No.85 of 2002, before the learned Principal Judge, this Court has directed the learned District Judge, to dispose of the Transfer Petition, within two weeks from the date of receipt of the order.

9. Ex.R1 is the letter, dated 27.12.2008 of Jenny Working Women's Hostel to the Ashram, in which, the Hostel Authority has requested the plaintiffs to state, as to whether they are interested in taking the accommodation. Ex.R2, is the Telegram given by the defendants to the plaintiffs on 08.07.2010, informing them that they have paid the cost of accommodation. In Ex.P2, there is a mention about the acceptance of the accommodation by the plaintiffs. Ex.R3 has been written by the 1<sup>st</sup> plaintiff to the defendants on 20.07.2010, in which, the plaintiff has demanded a copy of the order of this Court and expressed her willingness to vacate the ashram. Ex.P3 is the copy of police complaint and that it has written by the 1<sup>st</sup> plaintiff. Ex.P4 is the copy of the complaint written by the 5<sup>th</sup> plaintiff to the Circle Inspector of Police. Ex.P1 is the copy of the letter written by the 5<sup>th</sup> plaintiff to the Warden of Jenny Working Women Hostel, stating that the Secretary of the Hostel had refused to provide accommodation for the fifth plaintiff.

10. According to the plaintiffs, while passing orders in I.A.No.2094 of 2010, dated 27.10.2010, the trial Court was right in observing that both parties are at liberty to approach this Court and until then, it is just and proper to continue the situation, as it was and that therefore, the trial Court has rightly observed that the plaintiffs have to be provided with food and other amenities by the defendants in the Ashram itself and so saying, ordered I.A.No.2094 of 2010. This Court has not granted any liberty to the trial Court to entertain any application, for the same prayer, which has been already adjudicated and finally decided in C.R.P.No.3314 of 2007.

11. This Court has gone through the entire material on record. The trial Court is bound by the previous order made by this Court and therefore, without going into the rival contentions, this Court is of the view that the trial Court has exceeded in its jurisdiction in passing the order in I.A.No.2094 of 2010 in O.S.No.409 of 2005, dated

27.10.2010. The order made in the above I.A., is set aside. The manner in which the plaintiffs have remarked about the orders passed by this Court and the refusal to vacate the premises, is not appreciated. The parties cannot describe an order passed by this Court, as illegal, when one sends a reply to the other, in a contumacious manner. Orders passed by this Court have to be respected. The contemners claimed themselves to be worshippers of Aurobindo and that they are women. The plaintiffs have filed a memo, seeking an unconditional apology.

12. In view of the setting aside of the order made in I.A.No.2094 of 2010 in O.S.No.409 of 2005, dated 27.10.2010 and considering the facts and circumstances of the case, the plight of the plaintiffs and also accepting the memorandum filed by them, this Court is not inclined to proceed further with the contempt application. The plaintiffs shall vacate from the Ashram within 30 days from the date of receipt of a copy of this order. The plaintiffs have to vacate by 02.09.2012. The defendants shall pay the sum agreed upon, to each one of the plaintiffs, as ordered earlier. The plaintiff shall make their own arrangements for accommodation of their choice. In the result, the Civil Revision Petition is allowed and Contempt Petition is closed. The trial Judge is directed to dispose of the suit, as expeditiously as possible, as the time granted by this Court has expired in 2008. The parties shall not protract the suit, except for any bona fide reasons. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-  
Asst.Registrar

/true copy/

  
Sub Asst.Registrar

skm  
To

- 1.The Principal District Munsif,  
Pondicherry.
- 2.The Sub Assistant Registrar,  
Original Side, High Court, Madras.

1 cc to Mr.M.L.Ganesh, Advocate, SR.No.46759  
1 cc to Mr.C.A.Diwakar, Advocate, SR.No.7508  
1 cc to M/s.Vincent and Vincent, Advocate, SR.No.7503

C.R.P.(PD)No.4219 of 2010 and  
Contempt Petition No.1483 of 2010

MS {CO}/TP.3.8.2012.