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Cont.P.Nos.1723 and 1725 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**RESERVED ON : 23.01.2026
DELIVERED ON : 11.02.2026**

CORAM :

**THE HON'BLE MR. JUSTICE P.VELMURUGAN
AND**

THE HON'BLE MR. JUSTICE M. JOTHIRAMAN

Cont.P.Nos.1723 and 1724 of 2025

D.Chandrasekaran
son of Dakshnamoorthy
No.9, Vijaya Ragavacharri Road,
T.Nagar, Chennai-600 017
Represented by power agent
A.Dakshnamoorthy

.. Petitioner in both Cont.Ps. /
Decreeholder

Versus

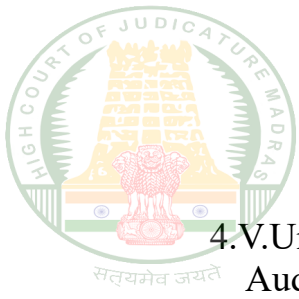
1.Mrs.J.Flora

.. Respondent / Contemnor
in Cont.P.No.1723/2025

2.Govindaraj
Sub Registrar of Virugambakkam
Office of the Sub Registrar of Virugambakkam,
Chennai.

3.Preetha,
Sub Registrar (Incharge) Virugambakkam,
Office of the Sub Registrar of Virugambakkam,
Chennai.

... Respondents 1 and 2 /
Contemnors in Cont.P.No.1724/2025



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4.V.Uma Maheswari,
Audit Assistant,
Registrar's Office,
Kallakurichi District

.. Impleaded 3rd respondent
vide order dated 06.01.2026
in Cont.P.No.1724 of 2025

Prayer in Cont.P.No.1723 of 2025: Contempt Petitions filed under Section 10 of Contempt of Court Act, 1971 to punish the contemnor for willfully disobeying the prohibitory order dated 21.11.2023 made in E.P.No.1781 of 2022 in O.S.No.4194 of 2019 on the file of the IX Assistant City Civil Court, Chennai.

Prayer in Cont.P.No.1724 of 2025: Contempt Petitions filed under Section 10 of Contempt of Court Act, 1971 to punish the contemnor for willfully disobeying the communication order dated 26.09.2024 made in E.P.No.1781 of 2022 in O.S.No.4194 of 2019 on the file of the IX Assistant City Civil Court, Chennai.

For Petitioner : M/s.S.Sai Shankar & A.Murali
in both Cont.Ps.

For Respondents : Mr.P.Harish
Government Advocate
for respondents in Cont.P.No.1724 of 2025

Mr.P.Jesus Moris Ravi
for respondent in Cont.P.No.1723 of 2025



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COMMON ORDER

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M.JOTHIRAMAN, J.

Cont.P.No.1723 of 2025 has been filed by the Decree holder against the Judgment Debtor to punish for wilfully disobeying the prohibitory order dated 21.11.2023 made in E.P.No.1781 of 2022 in O.S.No.4194 of 2019 on the file of the 9th Assistant City Civil Court, Chennai [hereinafter referred as “Court below”]. Cont.P.No.1724 of 2025 has been filed against one Tr.Govindaraj, Sub Registrar of Virugambakkam, Chennai and Mrs.Preetha, Sub Registrar (In charge), Virugambakkam, Chennai to punish the respondents from wilfully disobeying the communication order dated 26.09.2024 made in E.P.No.1781 of 2022 in O.S.No.4194 of 2019 on the file of the 9th Assistant City Civil Court, Chennai.

2. Brief facts of the petitioner / decree holder is follows:

2.1. The petitioner is the Power Agent of the plaintiff one D.Chandraekaran, who is the son of the petitioner. The petitioner has filed a Suit in O.S.No.4194 of 2019 on the file of the 9th Assistant City Civil Court, Chennai for recovery of a sum of Rs.25,30,000/- from the contemnor / Mrs.J.Flora. The above said Suit was decreed on 25.11.2019. Thereafter,



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the petitioner had filed an execution petition in E.P.No.1781 of 2022, in which the Judgment Debtor entered appearance through her counsel, however, she was set exparte as she did not file counter in the execution petition and vide order dated 01.08.2023, the Court below ordered attachment of the property i.e., residential premises of the Judgment Debtor. Consequent to the attachment order dated 01.08.2023, a prohibitory order dated 21.11.2023 was passed restraining the Judgment Debtor to deal with the property. The aforesaid order dated 21.11.2023 was affixed on the door of the attachment property on 27.11.2023 and the Court bailiff served a copy of the attachment property to the office of the Sub Registrar concerned. The concerned Bailiff has also filed a report before the Court below. In such circumstances, the Judgment Debtor filed E.A.Nos.1 and 2 of 2024 to set aside the exparte order and the same is pending. Therefore, the Judgment Debtor having participated in the execution proceedings, is aware of the entire execution proceedings and the orders passed thereon. Though the attachment order dated 01.08.2023 was served on the Sub-Registrar, Virugambakkam, deliberately the office of the Sub-Registrar, Virugambakkam did not reflect the order of attachment in the Encumbrance Certificate.



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2.2. The petitioner also made attempts to enter and reflect the attachment into the encumbrance certificate, whereas the Sub Registrar, Virugambakkam had issued a letter dated 29.12.2023 to the petitioner stating that there is no specific order from the Court to reflect the order of attachment in the encumbrance certificate. In such circumstances, a memo dated 03.08.2024 was filed before the Court below stating that the Sub-Registrar, Virugambakkam is refusing to reflect the attachment order in the encumbrance certificate. Thereafter, the Court below passed an order dated 30.08.2024 directing the Bailiff to go to the office of the Sub Registrar again to reflect the order of attachment in the encumbrance certificate.

2.3. In pursuant to the aforesaid order, a communication order was passed on 26.09.2024 and the Court bailiff served the aforesaid order on 27.09.2024, directing to reflect the order of attachment dated 01.08.2023 in the encumbrance certificate and the same was received on 27.09.2024 by the In-charge of the Sub-Registrar concerned. However, the Sub-Registrar concerned deliberately did not reflect the attachment order in the encumbrance certificate inspite of the specific direction dated 30.08.2024.



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Taking advantage of the fact that the attachment order was not reflected in the encumbrance certificate, the Judgment Debtor has sold the property under attachment to a third party by way of sale deed and the same has been registered by the Sub-Registrar, Virugambakkam. Therefore, the Judgment Debtor / contemnor in Cont.P.No.1723 of 2025 and the contemnors in Cont.P.No.1724 of 2025 are to be punished for wilfull disobedience of the communication order dated 26.09.2024.

3. Heard both sides and perused the entire materials available on record.

4. It is seen from the records that the 2nd contemnor in Cont.P.No.1724 of 2025, namely Tmt.Preeta has filed an affidavit before this Court dated 06.01.2026 wherein it has been stated that she was employed as an Assistant in the Registration Department and she was posted in the office of the Sub-Registrar, Virugambakkam, as Assistant on 29.02.2024. The 1st contemnor / Tr.Govindaraj was the head of the SRO, Virugambakkam (on deputation) from 07.07.2023 to 07.08.2024. Thereafter, the 1st contemnor was transferred to SRO, Valavanur, Villupuram District and the post of Sub Registrar, Virugambakka fell vacant and she was acting as In-charge Sub



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Registrar from 08.08.2024. On 27.09.2024, on account of official duty, she went to the office of the Deputy Inspector General of Registration, Chennai South and while she was not present in the office, a Form of Attachment addressed to the Sub-Registrar was received by the then In-charge Sub Registrar Mrs.V.Uma Maheswari and her signature was also affixed in the said Form of Attachment.

5. The 2nd contemnor further stated in the said affidavit that the following days i.e., 28.09.2024 and 29.09.2024 were Saturday and Sunday and on 30.09.2024 evening, the said Form of Attachment was brought to her notice by Mrs.V.Uma Maheswari. Since there were no details of Survey Number in the said Notice of Attachment, necessary entry in the encumbrance certificate could not be made immediately and the said Form of Attachment was kept in the files for taking further action. For the period from 01.10.2024 till 04.11.2024, she was in-charge for only one day i.e., 03.10.2024 and she went on leave after handing over the charge and other files to Mrs.V.Uma Maheswari and she was relieved from the SRO, Virugambakkam on 04.11.2024 and was posted in the SRO, Alandur.



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6. The learned Additional Advocate General appearing for the respondents / contemnors in Cont.P.No.1724 of 2025 would submit that whatever stated by the 2nd contemnor / Tmt.Preetha in her affidavit is correct and further would submit that on the date of serving of the order of attachment, the 2nd contemnor was not the Sub-Registrar of Virugambakkam. However, the order of attachment was served on 30.09.2024 and on that day, one V.Uma Maheswari was the Sub-Registrar. In view of the above submission, the Registry was directed to implead the aforesaid Tmt.V.Uma Maheswari, Audit Assistant, Registrar's office, Kallakurichi District as one of the contemnors in Cont.P.No.1724 of 2025. Thereafter, this Court vide order dated 12.01.2026, directed the learned Special Government Pleader to intimate the newly impleaded contemnor to appear before this Court on 23.01.2026 and in pursuance to the order of this Court, the aforesaid Mrs.V.Uma Maheswari, appeared before us on 23.01.2026.

7. It is seen from the typed set of papers that the petitioner / Decree holder has filed a petition in E.P.No.1781 of 2022 in O.S.No.4194 of 2019 to attach the immovable property of the Judgment Debtor / Mrs.J.Flora as per



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the decree passed in O.S.No.4194 of 2019 dated 25.11.2019 to release the claimed amount of Rs.25,83,965/- in E.P.No.1781 of 2022, wherein the respondent / Judgment Debtor Mrs.J.Flora has not chosen to file counter and was set exparte on 06.03.2023. Upon hearing the petitioner / Decree Holder side, the Court below, vide order dated 01.08.2023, has allowed the execution petition and ordered to attach and sale of the schedule mentioned immovable property belonging to the Judgment Debtor and also ordered attachment of immovable property by 15.09.2023 and batta to be paid within 7 days. Thereafter, prohibitory order as per Form 24 dated 21.11.2023 has been issued to the Judgment Debtor to appear before the Court on 07.12.2023, wherein the schedule of property is mentioned as all the piece and parcel of 529.38 sq.ft. Undivided Share of Land in Flat No.A1, First Floor, Jammalia's Apartment, No.50/2, Arcot Road, Saligramam, Chennai-600093 with four boundaries. The aforesaid attachment order was communicated to the contemnors through bailiff on 27.11.2023 and to that effect, a report was also filed before the Court below. Further the petitioner has sent notice to the Sub-Registrar, Virugambakkam on 02.12.2023 and requested to enter the attachment order in the Register of encumbrance certificate. The 1st contemnor in Cont.P.No.1724 of 2025/ Govindaraj in-



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turn has sent a communication to the petitioner / Decree Holder stating that he has received a letter addressed by the petitioner dated 02.12.2023 and stated that the Court below has not ordered to reflect the attachment order in the Register of encumbrance certificate and if the Court orders to reflect the attachment in the encumbrance certificate, the Sub-Registrar will enter into the Register of encumbrance certificate.

8. It is further seen from the typed set of papers that an application to set aside the ex parte order was filed on 22.07.2023. Thereafter, on 30.08.2024, the Court below passed an order in the adjudication proceedings recording the memo filed by the Decree Holder and directed continuation of the attachment order. The Court below also directed the concerned bailiff to once again communicate the order of attachment so as to ensure that the attachment is reflected in the Register of Encumbrance Certificate. Pursuant to the said direction, on 26.09.2024, batta was paid for communicating the order of attachment to the Sub-Registrar Office and the concerned bailiff filed a report on 27.09.2024 stating that the communication had been duly served on the concerned Sub-Registrar Office.



WEB COPY 9. The newly impleaded contemnor, Tmt. V. Uma Maheswari, filed an affidavit before the Court below in E.P. No.1781/2022 in O.S. No.4194/2019 stating that the order of the Court below was received by the office of the Sub-Registrar, Virugambakkam, on 30.09.2024 and that she joined duty in the said office only on 04.10.2024. It is further stated that the Judgment Debtor executed a Sale Deed dated 22.11.2024 and presented the same for registration and, upon perusal of the same, since there was no entry regarding attachment in the Register of Encumbrance Certificate, she registered the document as Doc.No.7915 of 2024.

10. From the documents annexed in the typed set of papers, it is seen that the Court below passed an order of attachment on 01.08.2023. Subsequently, a prohibitory order in Form No.24 dated 21.11.2023 was issued and on 27.11.2023 communication of the attachment order to the contemnors along with the bailiff report was ordered. On 09.12.2023, the petitioner addressed a letter to the Sub-Registrar, Virugambakkam, Chennai, requesting to make necessary entries in the Register of Encumbrance Certificate so as to reflect the attachment in pursuance of the attachment



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order dated 01.08.2023. In response, the first contemnor, Govindaraj, by communication dated 29.12.2023 informed the petitioner that there was no specific direction by the Court below to make an entry in the Register of Encumbrance Certificate with regard to the attachment. The Judgment Debtor, J.Flora, also filed an application on 23.02.2024 to set aside the ex parte order. While the said application was pending adjudication, the Court below, by order dated 30.08.2024, directed that the order of attachment already passed be once again communicated to the concerned Sub-Registrar so as to ensure that the same is reflected in the Register of Encumbrance Certificate. Pursuant to the said order, batta was paid on 26.09.2024 to communicate the order to the concerned Sub-Registrar and the same was duly served on the Sub-Registrar, Virugambakkam, on 30.09.2024 and the bailiff report was also filed before the Court below. Though the communication of attachment was received in the office of the Sub Registrar on 30.09.2024, the attachment was not reflected in the encumbrance register. Despite receipt of the communication from the Court below, the newly impleaded contemnor, Tmt.V.Uma Maheswari, without properly verifying the entries in the Register of Encumbrance Certificate, proceeded to register the Sale Deed executed by the Judgment Debtor dated 22.11.2024.



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11. At this juncture, it is relevant to cite the judgment of the Hon'ble Supreme Court in *Rama Narang v. Ramesh Narang and others reported in 2021 SCC Online SC 29*, has held as follows:

"49. It would be apposite to refer to Section 2(b) of the Contempt of Courts Act, 1971 which reads thus:-

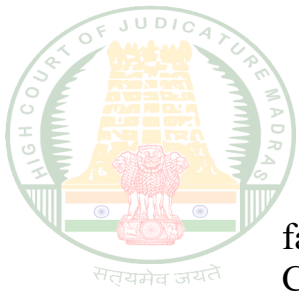
"2. Definitions. -

(b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court."

50. It is thus clear that for bringing an action under the ambit of civil contempt, there has to be a wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to the court."

12. In **Re: Perry Kansagra Contemnor**, reported in **2022 SCC Online SC 1516**, in a Suo-Motu Contempt Petition, the Hon'ble Supreme Court has held as follows :

"30. We have already convicted Perry Kansagra for contempt. The above referred facts are mentioned only to demonstrate that the contemnor has deliberately and with a clear intention committed egregious acts of contempt. These acts constitute wilful disobedience of the judgment, direction and order of this Court coupled with willful breach of the undertaking given by the Court which constitute civil contempt. The contemnor has



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falsely represented before the foreign jurisdiction that Indian Courts have not sought the consent of Aditya and that the decision of the Supreme Court of India is unenforceable. These acts clearly lower the authority of this Court. We have also indicated that the contemnor has interfered with the due course of judicial proceedings and obstructed the administration of justice which is a clear case of criminal contempt.

31. In the circumstances and in order to mention the majesty of law, we must impose upon adequate punishment on the contemnor. We have also noted that the contemnor never showed any remorse or tender any apology for his conduct.

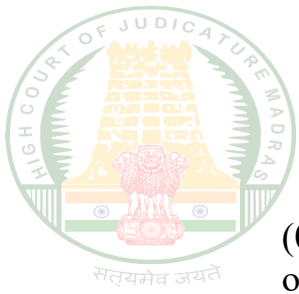
32. For the reasons stated above, we direct that the contemnor be:

a) Punished with simple imprisonment for a term of six months for civil contempt of Court for his acts of deliberate and willful disobedience of the orders passed by this Court and to pay a fine of Rs.12,50,000/- (Twelve Lakhs Fifty Thousand), in default he shall further undergo simple imprisonment for one month.

b) Punished with simple imprisonment for a term of six months for criminal contempt of Court for obstructing the administration of Justice and lowering the authority of this Court and to pay a fine of Rs. 12,50,000/- (Twelve Lakhs Fifty Thousand), in default he shall further undergo simple imprisonment for one month."

13. In **Ajay Kumar Parasaramka v. Pradeep Kumar Rath** reported in **2022 SCC Online AP 817**, the High Court of Andhra Pradesh, has held as follows:

"33. As discussed above, and in view of the findings recorded by this Court in the above paragraphs, Respondent No.7 - Tahsildar is liable for punishment as per Section 12 of the Contempt of Courts Act, 1971, and thereby he is punished sentencing him to undergo simple imprisonment for a term of six



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(06) months and to pay a fine of Rs.2,000/- (Rupees two thousand only). In the event of failure to pay fine of Rs.2,000/-, Registrar (Judicial) is directed to send copy of the order to the District Collector, Visakhapatnam for recovery of amount of fine under the Andhra Pradesh Revenue Recovery Act, 1864 and by following procedure as per law.

34. In the result, contempt case is partly allowed, directing Respondent No.7 - Tahsildar, Gajuwaka Mandal, Visakhapatnam District to undergo simple imprisonment for a term of six (06) months and to pay a fine of Rs.2,000/- (Rupees two thousand only). In the event of failure to pay fine of Rs.2,000/-, Registrar (Judicial) is directed to send copy of the order to the District MSM,J CC No.947 of 2021 Collector, Visakhapatnam for recovery of amount of fine under the Andhra Pradesh Revenue Recovery Act, 1864 and by following procedure as per law.

35. Respondent No.7 - Tahsildar, Gajuwaka Mandal, Visakhapatnam District is directed to appear before the Registrar (Judicial), High Court of Andhra Pradesh, on 18.04.2022. On his appearance, the Registrar (Judicial) shall commit him to civil prison in accordance with the order passed above."

14. The Government authorities are instrumentalities of the State or the Administration since being also one of the litigant or party before a lis, against whom if any order passed by the Court, if it is violated, certainly those officials concerned of the Government or the employee or staff are liable to be punished under the provisions of the Contempt of Courts Act. Therefore in order to uphold and protect the majesty of this Court, it become incumbent on the part of this Court to ensure that, no orders of this Court is



wilfully disobeyed or violated. If it is not ensured, the faith and confidence that the ordinary public of this great nation having in this judiciary would get shattered.

15. In the case on hand, though the newly impleaded contemnor has stated in her affidavit that she had joined duty only on 04.10.2024, it is the bounden duty of the Sub-Registrar (In-charge) to duly verify the documents presented for registration along with the encumbrance certificate in the manner known to law. Despite the attachment order passed by the Court below, the Judgment Debtor has chosen to execute the sale deed, which clearly shows wilful disobedience to the attachment order of the Court below dated 01.08.2023 as well as the subsequent prohibitory order dated 21.11.2023 and the Judgment Debtor taking advantage of the same had sold the property which was under attachment to third parties and therefore, this Court found them guilty of Civil Contempt.

16. Considering the nature of disobedience of the order of the Court and to meet the ends of justice, the following orders are passed in these contempt petitions:



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(I) The newly impleaded contemnor / Tmt.V.Uma Maheswari is liable to be punished under Section 12(3) of the Contempt of Court Act and she is imposed with a fine of Rs.2,000/- payable to the petitioner – Decree Holder.

(II) As far as the Judgment Debtor is concerned, this Court imposes punishment of imprisonment for one month. Therefore, Tmt.J.Flora shall be detained in a civil prison for the said period of one month.

(III) In respect of other contemnors, both the contempt petitions are dismissed.

17. Accordingly, these Contempt Petitions are disposed of.

[P.V., J.] [M.J.R., J.]
11.02.2026

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P.VELMURUGAN, J.
and
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Common Order in
Cont.P.Nos.1723 and 1724 of 2025

11.02.2026