

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

LPA No. 1 of 2022

Clasic Farms (Chennai) Limited
Clasic Farms Road, Off.Old Mahabalipuram Road,
Sholinganallur, Chennai 600119, Rep.By Its
Managing Director, R.Babasankar.

..Appellant(s)

Vs

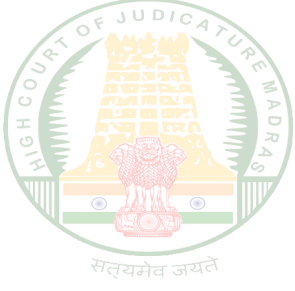
1. N.Venkatasubbu
S/o.Late Muthualayu Reddy, No.12-a,
R.R.Iyengar Street, Madurantakam 603306.
2. N. Ravishankar
S/o.Natrajan, No.1805, 28th Street, I St
Block, Kambar Colony, Anna Nagar, Chennai
600040.

..Respondent(s)

Appeal filed under Clause 15 of Letters Patent to set aside the order of the Learned Judge dated 14.09.2021 made in Contempt Petition No. 909 of 2011 and punish the Respondents in accordance with law for committing contempt of disobeying the orders of this Honble Court in OA.No. 1284 of 2008 dated 15.12.2008 which was extended till further order on 26.08.2009.

For Appellant(s): Mr.E.Sathish Kumar

For Respondent(s): Mr.A.R. Nixon for R2
R1 Notice served - No appearance



JUDGMENT

(Delivered by Dr.Anita Sumanth J.)

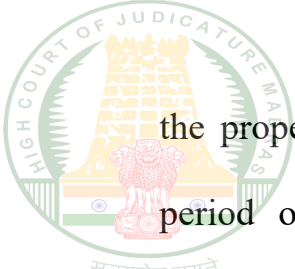
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We have heard Mr.E.Sathish Kumar, for the appellant and Mr.Nixon, learned counsel, for R2. R1 is served and description is printed in the cause list but there is no appearance by or on their behalf.

2. The appellant had filed OA No.1284 of 2008 under the provisions of Section 9 of the Arbitration and Conciliation Act, 1996 arraying three respondents, of whom R1 in this contempt petition is arrayed as R1 therein. R2 is not a party to OA and is stated to have purchased land in Venkatapuram Village, Chengalpet Taluk, Kancheepuram District, bearing S.No.48, measuring 92 cents, bounded on the North by S.No.49/1; on the South by S.No.47/2; on the East by S.No.51/2 & 52/1 and on the West by S.No.89/1 & 89/2 situated within the registration district of Kancheepuram and in the registration sub district of Chengalpet ('property' / 'property in question') from R1, who is a land agent.

3. According to appellant, R1 is an agent for several pieces of land and had entered into agreements with him for negotiating the purchase of those lands, in consideration of which he had received money.

4. Since there appear to have been disputes inter se appellant and R1, OA No. 1284 of 2008 came to be filed, wherein, an injunction was sought restraining R1 from in any manner dealing or alienating various lands, including



the property in question. Interim injunction was granted on 15.12.2008 for a period of four weeks that came to be extended until further orders on 26.08.2009.

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5. While so, it is the case of the appellant that, R2 had purchased the property in question on 11.11.2010 in violation of the order of interim injunction. Hence a contempt petition had come to be moved in Cont.P.No.909 of 2011. That contempt petition ultimately has come to be closed by an order dated 14.09.2021.

6. It is the case of the appellant that the impugned order does not take note of the evident contempt on the part of R1 as he has admittedly executed sale deed on 11.11.2010 in violation of the orders of this Court. In fact, R1 had appeared before the contempt court on issuance of warrant. The Court records the submissions of R1 to the effect that the execution of sale deed of R2 was by force and that proceedings have been initiated before the Court in that respect. There is no further elaboration of the nature of proceedings that have been embarked on by the parties. The contempt court has however proceeded to close the petition finding that arbitration has not been invoked for more than 13 years.

7. We are however shown a copy of the claim petition filed before Hon'ble Justice A.Raman. The arbitration appears to have been pursued till 2018 when, on account of the demise of the learned Arbitrator, those proceedings did not continue.

8. Learned counsel for appellant has assailed the impugned order also on



the ground that the finding that the arbitration has not been invoked, is incorrect on fact.

9. Mr.Nixon does not have much of a role to play in this matter, states that R2 has no role to play in this matter as he is only a bonafide purchaser, who was neither a party to the arbitration proceedings, nor has any knowledge of the litigation between the appellant and R1.

10. Since the record reflects some papers to the effect that arbitration was pursued till 2018, including the minutes of the learned Arbitrator the finding in the impugned order to the effect that the arbitration has not been invoked is not correct.

11. Be that as it may, it is also an admitted position that the appellant has allowed the proceedings for arbitration to lapse in 2018. He could very well have pursued the matter before any other arbitrator if he was interested in the cause of action espoused.

12. Having not chosen to pursue the arbitration, and literally abandoning the same, we are of the considered view that nothing would be gained by his continuing interest in the contempt petition alone. The effect of any order passed in the contempt petition would only be to punish the contemnors. The appellant admittedly has not taken any other measures to continue the litigation qua the land owners. As far as contemnors are concerned, R1 has been issued warrant and has tendered some explanation, which is recorded in the impugned order. He has not chosen to appear before this Court despite completion of



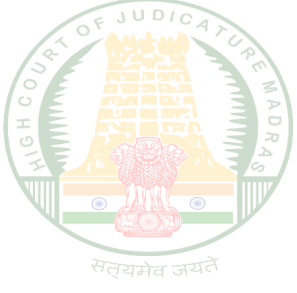
13. As far as R2 is concerned, he is only a purchaser and there is nothing brought on record to show that he had any knowledge of the orders of this Court prior to purchasing of the property in question from R1. In such circumstances, we are not inclined to intervene in the impugned order as it would be hyper-technical in the circumstances as narrated supra.

14. For the aforesaid reasons, we find this appeal to be devoid of any merit and we dismiss the same. No costs.

(A.S.M.,J.) (S.M.,J.)
17-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

ssm



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DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.

ssm

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