



2024:KER:90938

CON.CASE(C) NO. 3197 OF 2024

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 3RD DAY OF DECEMBER 2024 / 12TH AGRAHAYANA, 1946

CON.CASE(C) NO. 3197 OF 2024

AGAINST THE JUDGMENT DATED 07.07.2023 IN WP(C) NO.21010
OF 2023 OF HIGH COURT OF KERALA

PETITIONER:

JOY
AGED 64 YEARS
CHIRAYATH HOUSE, CHAKKOLA UNITY ENCLAVE, UNITY
ROAD, KURIACHERA P.O, CHIYYARAM VILLAGE, THRISSUR
TALUK, THRISSUR DISTRICT, PIN - 680006

BY ADVS.
PRABHU K.N.
V.P.SHEEJA
ATHUL SOMAN THEKKEDATH
K.PANKAJAKSHAN

RESPONDENT:

C.K MANOJ
SUB REGISTRAR THRISSUR, SUB REGISTRAR OFFICE
CHEMPUKKAVU, THRISSUR CITY P.O, PIN - 680020

SRI. S.GOPINATHAN, SR.GP

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 03.12.2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

**JUDGMENT**

This Contempt of Court has been filed alleging that despite series of judgments of this Court including the judgment dated 07.07.2023 in W.P.(C.)No.21273 of 2023, the respondent refused to register a document and insisted on the production of prior documents. It is the case of the petitioner that though the matter was brought to the notice of the respondent by sending Annexure-A1 notice along with copies of the judgments referred in Annexure-A1, the respondents still refuse to registered the document. It is submitted that this clearly amounts to Contempt of Court and therefore, the respondent is to be proceeded against under the provisions of the Contempt of Courts Act, 1971.

2. Having heard the learned counsel appearing for the petitioner and the learned Government Pleader, I am of the view that no proceedings can be initiated against the respondent under the provisions of the Contempt of Courts Act on the ground that he refused to follow a precedent,



2024:KER:90938

CON.CASE (C) NO. 3197 OF 2024

3

which according to the petitioner decides the matter in favour of the petitioner. While it is true that the law laid down by this Court must be followed by every authority, I am afraid that it is too far fetched to hold that a Contempt Court proceedings can be initiated under the provisions of the Contempt of Courts Act, 1971 on the ground that a particular authority failed to follow a binding precedent.

The Contempt of Court case will therefore stands dismissed. Notwithstanding the dismissal of the Contempt of Court Case, it will be open to the petitioner to seek appropriate legal remedies against any action of the respondent.

Sd/-
GOPINATH P.
JUDGE

LEK



2024:KER:90938

CON.CASE(C) NO. 3197 OF 2024

4

APPENDIX OF CON.CASE(C) 3197/2024

PETITIONER ANNEXURES

- | | |
|-------------|--|
| Annexure A1 | TRUE COPY OF CONVEYANCE DEED EXECUTED BY THE PETITIONER IN FAVOUR OF THE CLAIMANT SUBMITTED BEFORE THE RESPONDENT ALONG WITH APPLICATION |
| Annexure A2 | TRUE COPY OF COMMON ORDER/JUDGEMENT DATED 07.07.2023 IN W.P(C) NO.21010 OF 2023 AND W.P(C) NO.21273OF 2023 PASSED BY THIS HONOURABLE COURT |
| Annexure A3 | TRUE COPY OF THE MEMO ISSUED BY THE RESPONDENT REFUSING TO REGISTER ANNEXURE A1 DATED 27.11.2024 |