

CASE NO.:
Contempt Petition (civil) 492 of 2004

PETITIONER:
INTERNATIONAL SOC. KRISHNA CONSCIOUSNESS

RESPONDENT:
MADHU PANDIT DASA & ORS

DATE OF JUDGMENT: 29/04/2008

BENCH:
H.K. SEMA & MARKAANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CONTEMPT PETITION (C) NO. 492 OF 2004
IN
CIVIL APPEAL NO. 5657 OF 2002

This Contempt Petition is initiated by the defendant in Suit No. 7934/2001 pending before the City Civil Court, Bangalore. The petitioner has alleged violation of the order passed by this Court on 6.9.2002 in C.A.No. 5657/2002 arising out of SLP(C)No. 14649/2002. That appeal arose out of an order of the Karnataka High Court dated 19.4.2002 by which the appeal of the plaintiff (respondent herein) was allowed and a temporary injunction was granted in favour of the plaintiff restraining the defendants or their agents from interfering with the peaceful possession and enjoyment by the plaintiff of the suit properties i.e. Iskcon Temple Centre at Bangalore.

This Court while granting leave passed the order on 6.9.2002. To appreciate the contentions in perspective, it is essential to quote the order in extenso. The order reads thus:

"Leave granted.

Heard counsel for the parties.

In view of the fact that the interim injunction order has been passed pending hearing of the suit, we are not inclined to interfere in the matter.

2/-

-2-

However, it is necessary to protect the interest of the defendant-appellants. We, therefore, direct that the plaintiff-respondents herein shall not alienate or part with movable property (mentioned in Schedule B-properties, excluding free meal and prasadam), immovable property or create any third party right in the same. The plaintiff-respondents shall, however, carry on their religious and other charitable activities and incur expenditure which are essential. If any other major expenditure (exceeding Rupees five lacs) (excluding expenditure in connection with distribution of prasadam and free meal) is required, that would be subject to the approval of the trial court.

We are further of the view that the suit requires early disposal. Any observations made by the court below on merits of the case would not come in the way of the trial court deciding the suit on merits.

With the aforesaid directions and modifications, the appeal stands disposed of."

Mr. K.K.Venugopal, learned senior counsel for the petitioner invited our attention to various items of expenditures and submits that all these expenditures incurred by the contemnor/respondent (plaintiff) exceeded rupees five lacs, and thus are in violation of the order passed by this Court dated 6.9.2002 as noted above.

He particularly referred to the expenditure incurred by the contemnor for purchase of the properties by the respondent after the order passed by this Court, which according to him exceeded rupees five lacs and no

3/-

-3-

permission was sought for from the Trial Court before the aforesaid expenditure. Therefore, according to learned counsel, the order passed by this Court has been flagrantly violated and calls for punishment.

On the other hand, Shri Rakesh Dwivedi, learned senior counsel for the plaintiff respondents has denied these allegations.

In view of the order that we propose to pass it is not necessary to deal with the contentions advanced by the learned counsels for the parties.

It has been brought to our notice and not disputed that the suit has been ordered to be disposed of finally by August 2008. It is also not disputed that the trial of the suit is in progress and the Trial Court has determined to dispose of the suit on merits latest by August, 2008.

Having regard to the contentions we dispose of the contempt petition by directing the Trial Court to dispose of the suit peremptorily latest by August 2008. We also direct that the suit be proceeded by day-to-day trial till the suit is finally disposed of latest by August 2008. We further direct the respondent/plaintiff to file income and expenditure accounts since 6/9/2002 till date before the Trial Court within

4/-

-4-

a month from today, after serving copy thereof on the defendant. It is also open to the petitioner to file an application before the Trial Court to pass an appropriate order to protect the properties of the Bangalore Iskcon

temple centre and the interest of the petitioner till the pendency of the suit, and if he does so the trial court shall pass appropriate orders expeditiously after hearing the parties.

Contempt petition is disposed of accordingly.
Notice is discharged.

JUDIS