

HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Misc. Contempt Application No. 14 of 2026

Mandeep Kaur

.....Petitioner

Versus

Sukhdev Singh

.....Respondent

Present:-

Mr. Shariq Khurshid, Advocate for the petitioner.

Hon'ble Ravindra Maithani, J. (Oral)

The petitioner has brought to the notice of the Court that the order dated 21.08.2025, passed in Criminal Revision No.460 of 2022, Sukhdev Singh Vs. Mandeep Kaur and others ("the revision"), by this Court has been wilfully disobeyed by the respondent.

2. Heard learned counsel for the petitioner and perused the record.

3. The revision was preferred by the respondent against the judgment and order dated 07.05.2022, passed by the court of 1st Additional Sessions Judge, Kashipur, District Udham Singh Nagar, in Criminal Appeal No.148 of 2021, Sukhdev Singh Vs. Mandeep Kaur and Others, whereby, the appeal preferred by the respondent was dismissed, affirming the judgment and order dated 23.03.2021, passed by the court of Judicial Magistrate/Civil Judge (S.D.), Kashipur, District Udham Singh Nagar, in Misc. Criminal Case No.51 of 2018, Mandeep Kaur and Others Vs. Sukhdev Singh ("the case"). By the order dated 25.03.2021, passed in the case, an application filed by the respondent under the Protection of Women from Domestic Violence Act, 2005 ("the Act") was allowed and the

petitioner was directed to pay maintenance at the rate of Rs. 10,000/- per month to the respondent.

4. The Court, at the very outset, wanted to know from learned counsel for the petitioner as to why contempt proceedings may be initiated when, in fact, the petitioner seeks execution of an order passed under the provision of the Act with regard to monitory relief?

5. Learned counsel for the petitioner submits that the petitioner has already moved an application for recovery of amount of maintenance.

6. Under Section 20 of the Act, monitory relief is granted. It is the case of the petitioner that, in fact, the petitioner was required to pay maintenance at the rate of Rs. 10,000/- per month to the respondent. This order is definitely under Section 20 of the Act, and as per Section 20(6) of the Act, there is a procedure for recovery as well. Not only this, there are general provisions of the Code of Criminal Procedure, 1973, which are applicable to the proceedings under Section 20 of the Act, in view of Section 28 of the Act.

7. In the case of E. Bapanaiah vs. K.S. Raju and Others, (2015) 1 SCC 451, the Hon'ble Supreme Court, inter alia, held that, **"It is settled principle of law that where there are special law and general law, the provisions of special law would prevail over general law. As such, in normal circumstances a decree-holder cannot take recourse of the Contempt of Courts Act else it is sure to throw open a floodgate of litigation under**

contempt jurisdiction. It is not the object of the Contempt of Courts Act to make decree-holders rush to the High Courts simply for the reason that the decree passed by the subordinate court is not obeyed.”

8. In the case of Venkatakrishnan Vs. S. Vijayalakshmi, MANU/TN/2546/2014, the Hon’ble High Court of Madras, inter alia, held that, **“However, when a procedure to execute such order or decree is made available under a statute, resort to an attempt to file an application under the Contempt of Courts Act should be avoided as far as possible.”**

9. In the instant case, it is argued on behalf of the petitioner that, in fact, for recovery of maintenance amount provided under Section 20 of the Act, steps have already been taken by the petitioner and an application has been filed. That is the recourse available to the petitioner under the provisions of the Act. Therefore, this Court is of the view that for such matters, the contempt jurisdiction may not be invoked. Hence, the petition is disposed of, accordingly.

(Ravindra Maithani, J.)
09.01.2026