

**IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION (MAIN) NO. 4 OF 2014**

SMT. REMU PAUL

... Petitioner

Versus

SHRI. DEEPJIT PAUL

... Respondent

Shri Shailesh Redkar, Advocate under legal aid scheme for the
Petitioner.

Coram:- N. M. JAMDAR, J.

Date:- 6th February, 2015

ORAL ORDER:

By this petition, the petitioner prays that action under contempt of Courts act be taken against the respondent.

2. The petitioner is the wife of the respondent. The parties got married on 20 April 2009. Disputes arose between the parties. The petitioner filed a Matrimonial Petition against the respondent. In the Matrimonial Petition Civil Judge, Senior Division passed an order directing the respondent to pay interim maintenance. The arrears of maintenance were also directed to be paid. The respondent thereafter filed an appeal before the Sessions Court. The Sessions Court by order dated 4 April 2013 dismissed the appeal and confirmed the order of grant of maintenance. The petitioner moved for warrant of imprisonment against the respondent for non-payment of maintenance amount. Warrant was issued to trace the respondent. The petitioner filed the present Contempt Petition praying that action be taken against the respondent since he had failed to pay maintenance regularly as directed. The petition has been pending for some time and adjournments are

taken from time to time serve the respondent. Today also learned Counsel seeks adjournment.

3. The order passed by the Courts below can be implemented by the petitioner by taking recourse to provisions of Code of Criminal Procedure and other relevant enactments. The contempt jurisdiction cannot be used for executing the orders of the Court, when adequate remedies are provided. By the petitioners own showing, a warrant of arrest has already been issued against the respondent and, therefore, law is already put in motion to take penal steps against the respondent. In the circumstances, no case is made out for exercising contempt jurisdiction of this Court. Petitioner has adequate remedies and has already exercised the same. Keeping all the contentions of the petitioner on merits open, contempt petition is rejected.

N. M. JAMDAR, J.

NH