

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2015

Coram

The Honourable **Mr.JUSTICE S.NAGAMUTHU**

Contempt Petition No.7 of 2015

Linda Mercy Rajini

... Petitioner

-Versus-

1.Vivek Maran Kanickam

2.Manickam

... Respondents

Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the respondents for having willfully disobeyed the order of this court dated 04.02.2013 made in CRP (PD) No.4573 of 2012.

For Petitioner : Ms.Gladys Daniel

ORDER

The petitioner is the wife of the 1st respondent.

The II Additional Judge, Family Court, Chennai, in I.A.No.3666 of 2011 in O.P.No.2324 of 2011, had issued an order directing the 1st respondent herein to pay a sum of Rs.20,000/- per month as maintenance to the petitioner herein. Challenging the same, the 1st respondent filed CRP No.4573 of 2012 before this court. This court, by order dated 04.02.2012, dismissed the above said Civil Revision Petition thereby confirming the order dated 24.08.2012 passed by the Family Court, Chennai. Now, the petitioner has come up with this contempt petition

alleging that the said amount as ordered has not been paid which amounts to contempt.

2. In my considered opinion, this petition is highly misconceived. The order made by the Family Court for maintenance is enforceable as per the provisions of The Family Courts Act. Thus, the failure to pay the maintenance amount ordered in the matrimonial proceedings shall never be a contempt. In such view of the matter, this contempt petition deserves only to be dismissed.

3. In the result, this contempt petition is dismissed.

Kmk

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

सत्यमेव जयते COURT OFFICER (O.S.)
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SM/CO/05/03/2015

One CC to M/s.C.Daniel & Gladys Daniel, Advocate, SR.1550

To

1.The II Additional Judge, Family Court, Chennai.