

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2015

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Contempt Petition No.3411 of 2014

Bhuvaneswari Calambakkam .. Petitioner

vs.

B.Nagendran .. Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondent for filing false statement in CRP, disobedience and willful breach of undertakings in CRP(PD) No.42 of 2013 dated 26.03.2013 regarding permanent girl children custody and discontinuing maintenance payment made.

For Petitioner : Ms.Bhuvaneswari Calambakkam
party-in-person

सत्यमेव जयते

O R D E R

The petitioner has come up with this petition alleging that the order passed by this Court in CRP(PD) No.42 of 2013 dated 26.03.2013, has been violated by the respondent.

2.This petition has come up today for admission. The petitioner is present in person. I have heard her and I have also perused the records carefully.

3.The operative portion of the order in CRP(PD) No.42 of 2013 dated 26.03.2013 reads as follows:-

"9. In the result, this Civil Petition is partly allowed, in the following terms:-

i.The litigation expenses of Rs.20,000/- ordered by the lower Court is hereby confirmed.

ii.So far as the interim maintenance is concerned, the order of the lower Court is modified and the second respondent is hereby directed to pay a sum of Rs.20,000/- per month towards interim maintenance from 15.09.2010 onwards.

iii.The second respondent is directed to pay to the petitioner 50% of the entire arrears as directed in this order, on or before 03.04.2013.

iv.The balance of arrears shall be paid by the second respondent to the petitioner on or before 03.05.2013.

The trial court is directed to expedite the trial of the case in O.P.No.3150 of 2010."

4.It is the contention of the petitioner that subsequent to the said order, the respondent has taken away the children by force. This according to the petitioner amounts to a contempt of Court.

5. In my considered opinion, it is not so. So far as the order in CRP(PD) No.42 of 2013 dated 26.03.2013 is concerned, it relates to only payment of interim maintenance and also litigation expenses. The said order has got nothing to do with the custody of the children. Therefore, the contention of the petitioner that the order passed by this Court in CRP(PD) No.42 of 2013 dated 26.03.2013 has been violated, has got no force.

6. The petitioner would submit that even the interim maintenance has also not been paid by the respondent and thus, the order passed by this Court has been violated.

7. If the interim maintenance has not been paid by the respondent, the remedy for the petitioner is to work out for recovery of the same. Mere failure of paying interim maintenance will not amount to contempt of Court. Thus, I do not find any merit in this petition.

8. In the result, the contempt petition fails and accordingly, the same is dismissed.

Jbm

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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CO/10/02/2015

One CC to Ms. Bhuvaneswari Calambakkam, Petitioner-in-Person