

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CONTEMPT CASE NO:1824 OF 2015**

**ORDER:**

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1. This Contempt Case is filed by the petitioner seeking to issue notice of contempt to the respondent herein and punish him for his willful disobedience to comply with the orders of this Court in Crl.R.C.No.1686 of 2014, dated 3.12.2014.

2. The petitioner is the wife of the respondent. The above Crl.R.C.No.1686 of 2014 is filed by the respondent and his parents against the order dated 28.7.2014 passed in Crl.M.P.No.550 of 2014 in D.V.C.No.10 of 2009 by the Judicial Magistrate of First Class, Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad, L.B. Nagar.

3. This Court passed the following order on 3.12.2014 in the above Crl.R.C.No.1686 of 2014:

“The revision case is partly allowed holding that the liability of the 1<sup>st</sup> respondent in Crl.M.P.No.550 of 2014 as on 10/15.7.2014 was Rs.5,63,000/- and after deduction of what all he paid whether Rs.5,01,000/- or the like, to pay all arrears within one month or else to execute and recover. It is needless to say the further liability to pay every month amounts. Consequently, miscellaneous petitions, if any, pending in this revision shall stand closed.”

4. Now, the petitioner filed this case complaining that the respondent disobeyed the orders of this Court in the above Crl.R.C.No.1686 of 2014.

5. In this regard, it is needless to observe that in case of any failure to comply with the orders in Crl.R.C.No.1686 of 2014, the default clause would come into operation as observed therein. The order impugned also makes it obvious that the respondent-husband shall pay all the arrears within one month, in default the petitioner is at liberty to execute and recover the amount. Therefore, if really there is

any failure on the part of the respondent-husband to comply with the above orders, the petitioner is at liberty to execute in accordance with law, so as to recover the same. As such, the approach of the petitioner by way of filing the present contempt case before this Court, is not appropriate and thereby, the present Contempt Case is not maintainable and therefore, the same is liable to be dismissed.

6. Accordingly, the Contempt Case is dismissed as not maintainable.

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**JUSTICE RAJA ELANGO**

Dated: 10<sup>th</sup> December, 2015

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**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

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**10.12.2015**

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