

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.75 OF 2014

Preeti D/o Dattatray Waghchavare

.. Petitioner

Versus

Sunil Joseph Lawrence

.. Respondent

Ms. Swati D. Sawant, for the Petitioner.

Mr. Ranvir Shekhawat, Mr. Jagdish Choudhary i/by Raj Legal, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 22nd MARCH 2016

PC.

1. The cause for invoking the contempt jurisdiction of this Court is the non-compliance of the consent decree dated 14.09.2012 which has been passed by the Learned Judge of the Family Court, Mumbai.

2. The gravamen of the allegation in the Contempt Petition is that the Respondent herein i.e. the husband has not complied with the said consent decree fully. The non-compliance is in respect of permanent alimony which the Respondent is liable in terms of clause (2) of the consent decree. It is the case of the Petitioner that an amount of Rs.9,00,000/- has been paid by the Respondent to the Petitioner, but the

balance amount of Rs.18,00,000/- has not been so paid. The justification of the Respondent is that the Petitioner has allegedly not complied with the obligation imposed by clause (3) of the said consent terms. Since the issue is as regards the compliance of the consent decree, if the Respondent is not complying with the consent decree, the Petitioner is free to file an application for execution of the said consent decree in the Family Court where the said consent decree was recorded. This Court in its contempt jurisdiction cannot exercise powers of an Executing Court, as in the matter of execution of the decree various aspects would arise in the event the amount under the decree is to be recovered against the assets of the Respondent. Hence, by relegating the Petitioner to apply for execution of the consent decree, the above Contempt Petition is disposed of.

3. If any such application is filed for execution, the contentions of the parties are kept open for being urged before the Executing Court.

[R.M. SAVANT, J]