

HONOURABLE SRI JUSTICE RAJA ELANGO

CONTEMPT CASE No.1757 OF 2016

ORDER:

This Contempt Case is filed by the petitioner, who is wife of the respondent, by invoking provisions under Sections 10 to 12 of the Contempt of Courts Act, seeking to punish the respondent for his willful disobedience and non-implementation of the order, dated 23.06.2015, passed in CrI.R.C. No.1042 of 2015 by this Court.

The petitioner is the wife of respondent. She filed M.C. No.47 of 2010 before the Family Court, L.B. Nagar, against the respondent seeking maintenance. The trial Court allowed said M.C. vide order, dated 26.09.2014, by awarding an amount of Rs.3,000/- per month to the petitioner as maintenance from the date of that order. Aggrieved over the same, the respondent filed CrI.R.C. No.1042 of 2015 before this Court. This Court, while ordering notice before admission on 23.06.2015, granted stay of the order passed in M.C., on condition of respondent paying the arrears of maintenance to the petitioner calculating at 50% of the amount awarded by the trial Court within four weeks and also continuing to pay the monthly maintenance at the same rate on or before 10th of every succeeding month. Now, this contempt case is filed by the petitioner complaining that the respondent has failed to comply with the orders of this Court and therefore, he is liable to be punished.

Heard and perused the material available on record.

Considering the facts and circumstances of the case and also on perusal of the record, this Court is of the view that if there is any willful default on the part of the respondent in complying with the orders

passed by this Court, the petitioner can seek remedy by way of filing an execution petition before the trial Court. Hence, this Court is not inclined to take any contempt proceedings against the respondent and the contempt case is liable to be dismissed.

Accordingly, the Contempt Case is dismissed. The miscellaneous petitions pending, if any, shall also stand closed.

RAJA ELANGO, J

October 14, 2016.
KTL

