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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 30/2017**

SHAKUNTLA

..... Petitioner

Through Ms.Monica Kapoor, Advocate.

versus

BALENDAR KUMAR VYAS

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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16.01.2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 12th October, 2015 passed in MAT.APP. No.141/2009, wherein the respondent-husband undertook that four post-dated cheques of Rs.1 lakh each will be honoured upon presentation on the due dates.

Learned counsel for petitioner states that despite the aforesaid undertaking, the fourth cheque of Rs.1 lakh was dishonoured on presentation due to 'insufficient funds'.

In the opinion of this Court, the petitioner has an alternative effective remedy by filing proceedings under Section 28A of the Hindu Marriage Act, 1955. The said Section reads as under:-

“28A. Enforcement of decrees and orders. – All decrees and orders made by the court in any proceeding under this Act shall be enforced in the like manner as the decrees and orders of the court made in exercise of its original civil jurisdiction for the time being are enforced.”

In view thereof, present contempt petition is dismissed with liberty to the petitioner to file the proceedings under Section 28A of the Hindu Marriage Act, 1955.

MANMOHAN, J

JANUARY 16, 2017
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