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

+ **CONT.CAS(C) 156/2017 & C.M.No.7067/2017**

DR MAYANK DUA

..... Petitioner

Through Mr.Alok Shukla, Advocate.

versus

DR HIMANSHI MANAKTALA

..... Respondent

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.02.2017

Present contempt petition has been filed alleging wilful disobedience of order dated 08th June, 2016 passed in HMA No.488/2016, whereby a decree of divorce by mutual consent was granted and respondent-wife undertook to abide by the terms and conditions of the Memorandum of Understanding (MOU) dated 19th September, 2015.

It is pertinent to mention that vide the aforesaid MOU, parties agreed to cooperate with each other in quashing of criminal and civil cases filed against each other pending in various Courts.

Learned counsel for petitioner states that respondent-wife is not cooperating in quashing of criminal cases pending before the Court of Metropolitan Magistrate in Vishakhapatnam.

A perusal of the paper book reveals that the parties had agreed to abide by the aforesaid MOU and the same had been incorporated in the order dated 08th July, 2016 that had been passed. Section 28A of

the Hindu Marriage Act, 1955 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.”

Consequently, this Court is of the view that the petitioner has an alternative effective remedy by seeking enforcement of the order/decreed under Section 28 of the Hindu Marriage Act.

Accordingly, the present contempt petition is disposed of with liberty to the petitioner to file the said alternative proceedings.

MANMOHAN, J

**FEBRUARY 21, 2017
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