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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 228/2017 & CM APPL. 10793/2017

MONIKA SHARMA

..... Petitioner

Through: Mr. Rajiv Mishra, Advocate with
Mr. Saurabh, Advocate.

versus

AJAY KUMAR GAUR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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20.03.2017

Present contempt petition has been filed alleging wilful disobedience of the judgment dated 03rd May, 2013 passed by Additional District Judge, Family Courts, Saket, as well as joint statement dated 25th May, 2013 whereby respondent-husband had undertaken to pay for maintenance of minor daughter for first four years and thereafter to increase the monthly maintenance @ 20% per annum after every subsequent two years.

Learned counsel for petitioner states that despite the aforesaid judgment as well as statement, the respondent-husband has now stopped paying the aforesaid consensual maintenance amount.

In the opinion of this court, petitioner has an alternative effective remedy by filing an application under Section 28A of the Hindu Marriage

Act, 1955. The said section is reproduced hereinbelow:-

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.*”

Accordingly, present contempt petition and application are disposed of with liberty to the petitioner to file proceedings under Section 28A in accordance with law.

Rights and contentions of all parties are left open.

MANMOHAN, J

MARCH 20, 2017

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