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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 273/2017 & CM APPL. 13228/2017

MANISH CHAWLA

..... Petitioner

Through

Mr. Vinod Malhotra, Advocate

versus

HONEY @ CHANDNI

..... Respondent

Through

None

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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10.04.2017

Present contempt petition has been filed alleging wilful disobedience of the joint statement recorded under Section 13-B(2) of Hindu Marriage Act, 1955 [for short 'Act, 1955'] wherein respondent-wife agreed to accept Rs. 8,00,000/- in full and final settlement in accordance with the mutual Settlement Agreement dated 17th January, 2009 and undertook not to file any case/complaint against the petitioner-husband in future.

Learned counsel for the petitioner states that despite the aforesaid order respondent-wife has filed a petition under Section 125 Cr. P.C. for grant of maintenance to the child. He also states that the Judicial Magistrate First Class, Mohali has passed an ex-parte order directing payment of maintenance of Rs. 5,000/- per month to the minor child.

A perusal of the paper book, in particular petition under Section 125 Cr. P.C. filed by the respondent-wife, reveals that a full disclosure of the joint statement under Section 13-B(2) of Act, 1955 was made. In the Section 125 Cr.P.C. petition it has also been stated that respondent-wife had an open heart surgery in which substantial money was spent and consequently, the minor requires additional funds for her maintenance.

In the opinion of this Court, if the said averments are true and correct, then it cannot be said that there has been any wilful disobedience of the joint statement recorded under Section 13-B(2) of Act, 1955.

Consequently, present contempt petition and application are dismissed. However, petitioner is given liberty to contest the proceedings filed by the respondent-wife under Section 125 Cr. P.C. in accordance with law. The rights and contentions of all parties are left open. The Court hearing Section 125 Cr. P.C. petition shall also not be influenced by any observation made by this Court.

MANMOHAN, J

APRIL 10, 2017

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