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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 311/2017 & CM APPL. 15387/2017

RITU TANEJA

..... Petitioner

Through: Mr. Jai Prakash, Advocate.

versus

VINEET TANEJA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

24.04.2017

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Present contempt petition has been filed alleging wilful disobedience of the order dated 22nd November, 2016 passed in CM(M) 143/2016 whereby a sum of Rs.10,000/- per month was granted in favour of the petitioner for the maintenance of the child to be paid on or before 07th day of each English Calendar month and arrears were to be cleared within four months.

Learned counsel for petitioner states that despite the aforesaid order, respondent has only paid an amount of Rs.70,000/- as arrears and Rs.40,000/- for monthly maintenance.

In the opinion of this Court, petitioner has an alternative effective remedy by virtue of proceedings under Section 43(4) of the Guardians and Wards Act, 1890. The said Section is reproduced hereinbelow:-

“43. Orders for regulating conduct or proceedings of guardians and enforcement of those orders.—

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(4) In a case of disobedience to an order made under sub-section (1) or sub-section (2), the order may be enforced in the same manner as an injunction granted under Section 492 or Section 493 of the Code of Civil Procedure 1882 (14 of 1882) in a case under sub-section (1), as if the ward were the plaintiff and the guardian were the defendant or in a case under sub-section (2), as if the guardian who made the application were the plaintiff and the other guardian were the defendant.”

Consequently, present contempt petition and application are disposed of with liberty to file proceedings under Section 43(4) of the Guardians and Wards Act, 1890

MANMOHAN, J

APRIL 24, 2017

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