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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 307/2017 & CM APPL. 15055/2017

KRISHNAKOLI DUTTA

..... Petitioner

Through: Mr. Saurabh Balwani, Advocate with
Mr. Pranav Rishi, Advocate.

versus

KANDULA SUBRAMANIAM

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

21.04.2017

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Present contempt petition has been filed alleging wilful disobedience of the order dated 23rd August, 2016, passed in MAT.APP. (F.C) 132/2014, whereby the respondent-husband was directed to pay Rs. 15,000/- per month from date of application as 1/3rd share towards maintenance of the child.

Learned counsel for the petitioner-wife states that despite the aforesaid order, respondent has not paid any amount towards maintenance of the child till date. He further states that the respondent has been filing frivolous applications before the Family Court seeking extension of time for paying the maintenance amount.

It is settled law that order passed in matrimonial appeal is in continuation of the proceedings initiated under Section 24 of the Hindu Marriage Act, 1955.

Consequently, petitioner has an alternative effective remedy 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 and application are disposed of with liberty to file an application under Section 28A of the Hindu Marriage Act, 1955. Rights and contentions of all parties are left open.

MANMOHAN, J

APRIL 21, 2017

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