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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CONT.CAS(C) 358/2017 & CM APPLs. 17677-17678/2017**

VIJAY LAKSHMI

Through

..... Petitioner

Ms. Sophiya Salim with Mr. R.
Saxena, Ms. Mirza Rizwan Baig,
Advocates

versus

PRADEEP KUMAR SUNDARYA Respondent

Through None

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

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09.05.2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 29th May, 2015, passed in HMA Case No. 516/2015, whereby the second motion petition preferred by the parties was disposed of in accordance with the Memorandum of Understanding [MoU] dated 7th May, 2015.

As per the terms and conditions of the said MoU, the respondent-husband undertook to transfer property bearing No. 31-A/56, EPDP Colony, Chittaranjan Park, New Delhi and Toyota Fortuner car bearing registration No. DL3C-BD-3403 in favour of the petitioner-wife on or before their statements under Section 13B (2) of the Hindu Marriage Act, 1955 (for short "Act, 1955") were recorded.

Learned counsel for the petitioner states that the respondent has not complied with the aforesaid order and MoU till date.

In the opinion of this Court, petitioner has an alternative effective remedy under Section 28A of the 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 the petitioner to file an application under Section 28A of the Act, 1955. The rights and contentions of all parties are left open.

MANMOHAN, J

MAY 09, 2017

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