

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CC.No.1169 of 2018

Date:08.06.2018

Between.

R.Murali Jeevan,
S/o Late Syamala Rao

.....Petitioner

And.

R.Gayatri, W/o R.Murali Jeevan

.....Respondent

Counsel for the petitioner: Mr. N.B.Benarjee
for Mr. K.Mallikarjuna Rao



The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Contempt Case is filed alleging willful violation of order, dated 01.02.2018, of this Court in CMAMP.No.1628 of 2017 in CMA.No.1036 of 2014.

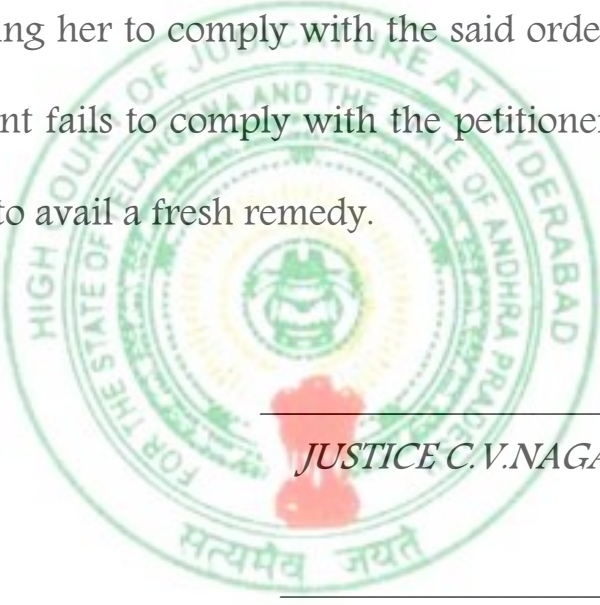
We have heard Mr. N.B.Benarjee, learned counsel representing Mr. K.Mallikarjuna Rao, learned counsel for the petitioner, and perused the record.

The petitioner has pleaded that the respondent has wilfully and deliberately violated the afore-mentioned order of this Court, whereby he was directed to permit the petitioner to take custody of their minor daughter—Ms Ramya Sri on the first and third Sundays of every month and retain her with him from 9 am to 5 pm.

A perusal of the averments made in the affidavit, filed in support of the Contempt Case, show that the petitioner has not pleaded the details as to the manner in which the respondent has violated the afore-mentioned order. Further, he has not pleaded that he has sensitised the respondent on the need to comply with the afore-mentioned order of this Court and that he has intimated the respondent that she has been violating the said order by issuing notices.

Contempt being quasi-criminal in nature, the party complaining of violation of the order has to necessarily demand the opposite party to comply with the order of the Court and

invoke the contempt jurisdiction only in the event the opposite party fails to comply with the said order. As the petitioner did not follow this procedure, which is mandatory in a contempt proceeding, we are not inclined to entertain the Contempt Case at this stage. Therefore, without expressing any opinion on the merits of the case, the Contempt Case is dismissed with liberty to the petitioner to issue notice to the respondent giving details of the manner in which she violated the said order of this Court and demanding her to comply with the said order. In the event, the respondent fails to comply with the petitioner's demand, he shall be free to avail a fresh remedy.



JUSTICE C.V.NAGARJUNAREDDY

JUSTICE U.DURGA PRASAD RAO

08th June, 2018

DR