

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

CONTEMPT CASE No.2514 of 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This contempt case is sought to be maintained by the wife in relation to the alleged non-compliance with the order dated 05.11.2015 passed by a Division Bench comprising one of us, UDPR,J, and Hon'ble Sri Justice G.Chandraiah, in F.C.A.No.281 of 2015. By the said order, this Court granted interim stay of all further proceedings, including execution of the order and decree dated 10.08.2015 made in O.P.No.608 of 2012 on the file of the Judge, Family Court-cum-V Additional District & Sessions Judge, Visakhapatnam, subject to the condition the appellant-husband deposited a sum of Rs.18,000/- per month on or before 10th of every month and also arrears within a period of two months.

It appears that the petitioner-wife filed F.C.A.M.P.No.123 of 2016 in F.C.A.No.281 of 2015 to vacate the interim order dated 05.11.2015 passed in the appeal and to dismiss the same. By order dated 13.03.2017, another Division Bench of this Court made the interim order dated 05.11.2015 absolute and dismissed F.C.A.M.P.No.123 of 2016. In consequence, the earlier order dated 05.11.2015 stood merged in the later order dated 13.03.2017 whereby it was made absolute. In effect, even if there is any violation with regard to the payments to be made as per the order dated 05.11.2015 as the said direction merged in the later order dated 13.03.2017, any allegation as to disobedience would necessarily have to be in relation to the later order and not the earlier one.

This contempt case instituted in relation to the earlier order dated 05.11.2015 passed in F.C.A.No.281 of 2015 is therefore utterly misconceived and is accordingly dismissed. This order shall however not preclude the petitioner-wife from initiating proceedings afresh in accordance with law, if she is aggrieved by the disobedience, if any, by the respondent-husband. No order as to costs.

SANJAY KUMAR, J

U. DURGA PRASAD RAO, J

Date:23.11.2018

GJ

