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Contempt Petition No.864 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

Contempt Petition No.864 of 2021
and Sub Application No.235 of 2021

K.Balachandran,
No.14/19, Kundrakudi Nagar,
2nd Street, Adambakkam,
Chennai – 600 088

.. Petitioner

Vs.

B.Sandhya,
No.12, Udaya Nagar,
3rd Street, Porur,
Chennai – 600 116

.. Respondent

Contempt Petition filed under Sections 10 and 12 of the Contempt of Courts Act, 1971 to punish the respondent for not obeying the orders passed by the sub Court, Poonamallee in H.M.O.P.No.594 of 2016.

For Petitioner : Ms.V.Jayanandhini

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that he got married to the respondent on 24.08.2011 in Palakad and thereafter, they settled in Chennai. Through the

<https://hcservices.ecgovernance.gov.in/hcservices/> said wedding, the couple was blessed with a girl child viz., Sathvika. On



account of marital discord, the spouses got estranged and they filed a petition for divorce by mutual consent in H.M.O.P.No.594/2016 in the Sub Court, Poonamallee under Section 13-B of the Hindu Marriage Act, 1955 and the same was allowed on 18.07.2017. It is the grievance of the petitioner that though in the divorce petition, the respondent had agreed to permit the petitioner to have visitation rights of the child, the respondent is now refusing to permit the petitioner to visit the child. Hence, the petitioner has filed this Contempt Petition alleging violation of the order dated 18.07.2017 in H.M.O.P.No.594 of 2016.

2. Heard Ms.V.Jayanandhini, learned counsel for the petitioner who reiterated the above.

3. We are unable to countenance the above submissions of Ms.V.Jayanandhini, for the simple reason that the decretal order dated 18.07.2017 in H.M.O.P.No.594 of 2016 does not speak a word about any visitation rights. The said decretal order reads as under :

DECRETAL ORDER

1. that the petition be and the same is hereby allowed;
2. that the marriage held between the petitioner dated 24.08.2011 at Palakad, Kerala is hereby dissolved by granting a decree of divorce to the petitioner from the respondent under mutual consent;
3. that both the parties do bear their respective costs.



Hence, this Contempt Petition fails and is accordingly dismissed. It is open to the petitioner to approach the appropriate Court for custody and guardianship, if so advised. Connected Sub Application is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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