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Sub.A.(OS) No.528 of 2022
in Cont.P.No.1713 of 2021

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S.VAIDYANATHAN,J.
and
R.HEMALATHA,J.

This Application has been filed to reopen the Contempt Petition No.1713 of 2021, which was disposed of on 22.02.2022.

2. Learned counsel for the Applicant / husband has submitted that originally, a Contempt Petition had been filed for violation of the interim order passed by this Court on 28.11.2019 and within a period of 15 days from the date of grant of stay, the respondent had remarried another person and delivered a child through him. It is further submitted that since the petitioner was not represented through Video Conference, the Contempt Petition was closed on 22.02.2022, on two grounds, namely, the interim order was not communicated to the respondent and that the respondent subsequently, contracted a second marriage. Aggrieved by such closure, the Applicant is before this Court, seeking to reopen the Contempt Petition.

3. It was urged on the side of the Applicant that even though notice was received by the respondent as early as on 02.12.2019, she had entered into the second marriage on 16.12.2019, which amounts to wilful disobedience of the



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order of this Court. In a Contempt Petition, we cannot go into the disputed question of facts raised by the Applicant in the absence of evidence to establish the case of the Applicant. Moreover, the respondent / wife had remarried some other person and also delivered a child and therefore, we are not inclined to reopen the Contempt Petition.

4. In the result, this Sub Application is dismissed. It is open to the Applicant to work out his remedy in the pending C.M.A.

[S.V.N,J.,] [R.H,J.,]
11.11.2022

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