



WEB COPY

Cont.P.No.1713 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Contempt Petition No.1713 of 2021

Sampath,
Door No.59, MGR Nagar,
Vellottamparappu,
Erode Taluk(now Kodumudi Taluk),
Erode District

.. Petitioner

VS

Naveenadevi,
Door No.10/20, Lokkiya Veedi,
Kattupalayam, Modakurichi Post,
Erode Taluk, Erode District

.. Respondent

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for the wilful disobedience and also causing disrespect to the Court order in CMP.No.25485 of 2019 in CMA.No.4508 of 2019 and order dated 28.11.2019.

For Petitioner : No Appearance
For Respondent : Mr.B.Keerthi Krishna

ORDER

[Order of the Court was made by K.KALYANASUNDARAM, J]

This contempt petition has been filed alleging wilful disobedience of

the order passed by this Court in CMP.No.25485 of 2019 in CMA.No.4508



of 2019 dated 28.11.2019.

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2. The respondent/wife filed FCOP.No.107 of 2016 before the Family Court seeking divorce under Section 12(1)(c) of the Hindu Marriage Act. The Family Court allowed the divorce petition and declared that the marriage performed between the petitioner and the respondent as null and void, vide judgment dated 01.11.2019.

3. It is the case of the petitioner/husband that he filed an appeal against the order of the Family Court and the same was admitted on 28.11.2019 and an interim stay was granted. In paragraph 7 of the affidavit filed in support of this petition, it has been stated that the petitioner sent a notice to the respondent on 28.11.2019 and after receiving the notice, she contracted second marriage. However, in the affidavit, there is no averment that the order of stay granted in CMP.No.25485 of 2019 was communicated to the respondent and there is material to establish the same.

4. It is the submission of the learned counsel for the learned counsel for the respondent that after the marriage was dissolved in FCOP.No.107 of 2016, the respondent got married second time on 16.12.2019 and now she is having a child.

5. In the light of the facts and circumstances of the case, we are of the considered opinion that there is no wilful disobedience of the order dated



Cont.P.No.1713 of 2021

28.11.2019 passed in CMP.No.25485 of 2019 in CMA.No.4508 of 2019.

Hence, the contempt petition is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

pvs

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
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GS/27/05/2022