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Cont.P.(MD).No.1843 of 2021
in
C.M.A.(MD).No.714 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Cont.P. (MD) .No.1843 of 2021
in
C.M.A. (MD) .No.714 of 2019
and
Sub.A. (MD) .No.332 of 2021

S.Sivaraman ... Petitioner/Appellant
vs.

Kalaivani ... Respondent/Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to issue statutory notices to the respondent for her wilful violation and disobedience to follow the order containing the terms and conditions of the Joint Compromise Memo in C.M.A.(MD). No.714 of 2019, dated 26.11.2019 on the file of this Court and punish her under the Contempt of Court Act and consequently direct the respondent to hand over the child Yazhisai to the petitioner at once.

Prayer in CMA(MD). 714/ 2019 :

Pleased to call for the records relating to the Judgment and decree dated 26.08.2019 in G.W.O.P.No.28 of 2016 on the file of the Principal District Judge, Theni and set aside the same and allow the appeal.

For Petitioner	: Mr.K.Govindarajan for Mr.R.Venkateswaran
For Respondent	: Mrs.Porkodi Karnan

O R D E R

The Contempt Petition is filed for the wilful disobedience of the judgment of this Court in C.M.A.(MD).No.714 of 2019, dated 26.11.2019 and direct the respondent to hand over the child Yazhisai to the petitioner.

2. On 26.11.2019, this Court passed the judgment recording the Joint Compromise Memo filed by the appellant and the respondent, dated 26.11.2019.

<https://hcservices.ecourts.gov.in/hcservices/>



3. Learned counsel appearing for the petitioner would submit that the judgment and decree of this Court dated 26.11.2019 has been violated. Therefore, the present Contempt Petition was filed.

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4. On the other hand, learned counsel appearing for the respondent would submit that if at all if there is any non-compliance to execute the judgment and decree, he has to approach the E.P. Court only and no contempt will lie.

5. When the Court passed the judgment and decree, in the event if the judgment debtor is failed to act in accordance with the judgment and decree passed by the Court, the recourse available for the judgment holder is to file execution petition before the appropriate Court.

6. In such view of the matter, in the present case, this Court passed the judgment and decree on 26.11.2019. Against the non-compliance of the judgment and decree by the respondent, no contempt petition is maintainable. Hence, the Contempt Petition is closed. Consequently, connected Sub Application is also closed.

Sd/-

Assistant Registrar (Cs-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Akv

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-16279[F] dated 04/04/2022)

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-16299[F] dated 04/04/2022)

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in

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SG(CO)

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