



Cont.P.No.1739/2023 & 1750/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Cont.P.No.1739/2023 & 1750/2023

Aruna

... Petitioner in both
petitions

Vs.

N.Ravi

... Respondent in
both petitions

Prayer in Cont.P.No.1739/2023 : Contempt Petition filed under Section 10 of Contempt of Courts Act, to punish the respondent herein for his act of wilful disobedience of order passed by the Mahila Court [Magistrate Level] at Alandur in CrI.MP.No.911/2022 dated 09.12.2022.

Prayer in Cont.P.No.1750/2023 : Contempt Petition filed under Section 10 of Contempt of Courts Act, to punish the respondent herein for his act of wilful disobedience of order passed by the Mahila Court [Magistrate Level] at Alandur in CrI.MP.No.1006/2022 dated 18.10.2022.

For Petitioner in both
petitions

: Mr.Vijay Kumar for
Ms.Preethi Raj

For Respondent in both
petitions

: Mr.K.G.Senthil Kumar



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) The present contempt petitions have been filed by the petitioner / wife to punish the respondent / husband for willfully disobeying the orders passed by the Mahila Court [Magistrate Level] at Alandur in Crl.MP.Nos.911/2022 & 1006/2022 dated 09.12.2022 and 18.10.2022.
- (2) The case of the petitioner in this contempt petition is that the petitioner, wife of the respondent herein, filed a Domestic Violence Case in DVC No.45/2021 before the Mahila Court [Magistrate Level] at Alandur against the respondent herein under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereinafter referred to as "the Act"]. It is her further case that during the pendency of the case, she filed Crl.MP.No.911/2022 under Section 19[1] of the Act seeking accommodation in the domestic house of the respondent and the learned Judge, after considering the arguments, allowed the petition on 09.12.2022. The petitioner further states that she filed another petition in Crl.MP.No.1006/2022 under Section 23 of the Act seeking interim



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maintenance and the learned Judge, vide order dated 18.10.2022, directed the respondent / husband to pay a sum of Rs.5,000/- per month as interim maintenance for the wife and the two minor children.

(3) This Court earlier issued Statutory Notice to the respondent and insisted the personal appearance of the respondent on 10.11.2023. Accordingly, the respondent appeared before this Court and undertook to pay the amount due as on the said date, before 21.11.2023. At his request, the matter was adjourned to 21.11.2023 for 'reporting compliance'.

(4) When the matter is taken up today, the respondent is present before us.

(5) The learned counsel for the respondent has produced before this Court the Xerox copy of the Demand Draft for a sum of Rs.1,18,800/- towards interim maintenance. The learned counsel has also produced before this Court, the receipts in relation to payment of school fees to the tune of Rs.1,31,200/-. From the Memo of Calculation filed by the respondent, it is seen that a total sum of Rs.1,95,000/- is payable towards maintenance to the petitioner and two minor children for the period from 18.10.2022 to 17.11.2023. He has also produced before this Court, the details of rent payable for the same period to the tune of Rs.55,000/-. The total amount



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[Maintenance + Rental Amount] arrives at Rs.2,50,000/- and after deducting the school fees paid to the tune of Rs.1,31,200/-, the respondent has produced a Demand Draft for the balance sum of Rs.1,18,800/-.

(6)The learned counsel for the respondent states that the matter is posted before the Lower Court today and therefore, the Demand Draft will be handed over to the petitioner or the learned counsel appearing for the petitioner before the Lower Court.

(7)The respondent herein undertakes to hand over the Demand Draft to the petitioner's counsel before the Lower Court.

(8)The learned counsel for the petitioner states that the respondent, apart from making the payment indicated above, has also spent substantial amount towards buying clothes and other things to the minor children.

(9)This Court, having regard to the explanation offered by the respondent is unable to find any wilful disobedience of the order. It is also seen that the respondent has now realized that he should make payment without any failure and therefore, accepting the payment, this Court is inclined to close the contempt petitions.



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(10)The respondent has undertaken before this Court that he would make payment at the rate of Rs.20,000/- per month [Rs.5,000/- + Rs.15,000/-] towards maintenance **on or before 5th of every succeeding month.**

(11)Recording the undertaking of the respondent, the contempt petitions are **closed.**

[S.S.S.R., J.] [S.M, J.]
22.11.2023

AP

Internet : Yes



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

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