



Cont.P.(MD) No.831 of 2023 and C.M.A. (MD) No.502 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHI

Cont.P.(MD) No.831 of 2023
and C.M.A.(MD) No.502 of 2022
and C.M.P.(MD) Nos.4388 and 4389 of 2022 in C.M.A.(MD) No.502 of 2022

Dr.P.Hameed Farooq

... Petitioner in Contempt Petition and
Appellant in C.M.A.

Vs.

Dr.S.Nadiya Manzoor

... Respondent in Contempt Petition
and C.M.A.

PRAYER in Cont.P.(MD) No.831 of 2023: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the Contemnor / respondent for disobeying the orders of this Court in C.M.P.(MD) Nos.4388 of 2022 in C.M.A.(MD) No.502 of 2022, dated 19.05.2022 and order of the Family Court, Nagercoil, in G.W.O.P.No.217 of 2019 dated 20.04.2022 and to order the Contemnor / Respondent to hand over petitioner's children from Saturday 8 A.M. to Sunday 8 P.M. on the second and fourth week of every month and further permit to take his children for one week during Christmas Festival Season and two weeks during the May Vacation Leave.



Cont.P.(MD) No.831 of 2023 and C.M.A. (MD) No.502 of 2023

PRAYER in C.M.A.(MD) No.502 of 2022: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1971, against the judgment and decree dated 20.04.2022, passed in G.W.O.P.No.217 of 2019, on the file of Family Court, Nagercoil, Kanyakumari District.

For Petitioner in Cont.P. : Mr.R.Anand
& Appellant in C.M.A.

For Respondent in Cont.P.: Mr.V.Meenakshi Sundaram
& in C.M.A.

COMMON JUDGMENT

(Common Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

The Contempt Petition has been instituted to punish the respondent for her wilful disobedience of the orders passed by this Court in C.M.P.(MD) Nos. 4388 of 2022 in C.M.A.(MD) No.502 of 2022, dated 19.05.2022 and order of the Family Court, Nagercoil, in G.W.O.P.No.217 of 2019 dated 20.04.2022.

2. The Civil Miscellaneous Appeal has been instituted against the judgment and decree dated 20.04.2022, passed in G.W.O.P.No.217 of 2019, on the file of Family Court, Nagercoil, Kanyakumari District.

3. In continuance of the conciliation between the parties, the contempt petitioner / husband agreed to settle 50% of the educational loan borrowed by the



Cont.P.(MD) No.831 of 2023 and C.M.A. (MD) No.502 of 2023

respondent / wife for P.G. Medical Course, subject to the condition that the respondent agrees to resume the matrimonial home with the husband / contempt petitioner on or before the 31st December, 2023 along with the children. The contempt petitioner further agrees that he will meet out the entire expenditure of three children, including their educational expenses and assures that he will take care of the children and for their future education and other expenses.

4. The respondent / wife agrees that she will resume matrimonial home with the contempt petitioner / husband on or before 31st December, 2023, in a place where the contempt petitioner has already taken a residential house for rent. The details of the house has already been provided to the respondent / wife. She agrees to resume the matrimonial home along with the children, considering their future interest.

5. In respect of the contempt proceedings, no further consideration needs to be taken in view of the fact that parties have already agreed for resumption of matrimonial home and for reunion. However, in such contempt proceedings the interest of the children is of paramount importance and their wishes are also bound to be considered by the Court. Child Right being a global phenomena, right of the



Cont.P.(MD) No.831 of 2023 and C.M.A. (MD) No.502 of 2023

child is to be respected at all circumstances and the children cannot be forcibly dealt with neither by the parents nor by the Courts.

6. In view of the fact that the parties have compromised the issues and ready for re-union and resume matrimonial home on or before 31st December, 2023, no further adjudication is required and thus contempt proceedings stands closed.

7. In view of order passed in the Contempt Petition based on the compromise between the parties, the Civil Miscellaneous Appeal also stands closed. No costs. Consequently, connected Civil Miscellaneous Petitions are also closed.

(S.M.S., J.) & (S.S.Y., J.)
04.12.2023

NCC : Yes / No
Index : Yes / No
SJ

To
The Judge,
Family Court,
Kanyakumari District at Nagercoil.



WEB COPY



Cont.P.(MD) No.831 of 2023 and C.M.A. (MD) No.502 of 2023

S.M.SUBRAMANIAM, J.

AND

S.SRIMATHI, J.

SJ

Cont.P.(MD) No.831 of 2023
and C.M.A.(MD) No.502 of 2022

04.12.2023