

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 398 OF 2024

Priti Arun Bisht ...Petitioner
Versus
Arun Dheerajsingh Bisht ...Respondent

....

Mr. Suraj L. Dube, for the Petitioner.

....

CORAM : AVINASH G. GHAROTE, J.
DATE : 31st JULY, 2024

P.C.:

1. I am not inclined to invoke contempt jurisdiction, for a claim made in the present contempt petition, of failure to comply with the order dated 23.01.2024 passed by the 17th Metropolitan Magistrate Court, Borivali, in Domestic Violence Case No. 1700026 of 2022, is executable.

2. In so far as the reliance placed by the learned counsel for the petitioner on *Sonali Bhatia Vs Abhivansh Narang, 2021 SCC OnLine Del 5114*, is concerned it was a case, in which the High Court had by an order dated 11.02.2021 directed compliance

ARUN
RAMCHANDRA
SANKPAL

Digitally signed by
ARUN
RAMCHANDRA
SANKPAL
Date: 2024.08.01
19:26:56 +0530

with the order of the maintenance dated 22.12.2020 and it is in view of the violation of the order of the High Court, that the contempt proceedings were entertained. In *Urban Infrastructure Real Estate Fund Vs Dharmesh S. Jain And Anr, (2022) 6 SCC 662*, also the contempt was entertained on account of the willful disobedience of the order dated 17.09.2021 passed by the Hon'ble Apex Court in Special Leave Petition No. 14724 of 2021 as indicated in paragraph 1 thereof.

3. There cannot be any two opinions, that in a given case, the contempt jurisdiction, can be invoked by this Court for a party having committed contempt of the orders of the subordinate Courts/Tribunals. However, it is equally true, that such exercise has to be in exceptional circumstances, where it is found that the Administration of Justice, is being interfered with and not in cases, where orders passed by the subordinate Courts/Tribunals, are executable in view of the execution mechanism provided in the statute itself. (see *R.N. Dey and Ors Vs Bhagyabati Pramanik and Ors, (2000) 4 SCC 400, Mohammad Salam Anamul Haque Vs S.A. Azmi and Ors, 2000 (1) Mh.L.J. 249, Nirmal Urban Cooperative Bank Ltd Vs Mamta Keneddy Naidu, 2020 All M.R*

(Cri) 2646 and Arun C Upadhyay Vs Sitaram Kunte, 2016 SCC OnLine Bom 13375).

4. The judgment relied upon by the learned counsel for the petitioner, are therefore of no assistance to him, for invoking the contempt jurisdiction, as it is not in dispute, that the orders passed in Domestic Violence proceedings are executable.

5. The learned counsel for the petitioner to file execution proceedings since the order, contempt of which is being claimed, is an executable order.

6. In that light of the matter, the petition is dismissed. No costs.

(AVINASH G. GHAROTE, J.)