



Cont.P.No.2307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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Gottimukkala Sai Krishna

... Petitioner

Vs.

Gidijala Harika

...Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act 1971, seeking to punish the respondent for having committed willful disobedience of order passed in I.A.No.2 of 2022 in G.W.O.P.No.4681 of 2021 dated 15.09.2022 by the VI Additional Family Court at Chennai.

For Petitioner

: Mr.M.Jaikumar

ORDER



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(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

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The Contempt Petition has been instituted under Section 10 of Contempt of Court Act, 1971, to punish the respondent for having committed willful disobedience of the order passed in I.A.No.2 of 2022 in G.W.O.P.No.4681 of 2021 dated 15.09.2022 by the VI Additional Family Court, Chennai.

2.The VI Additional Family Court, Chennai passed an order partly allowing the petition filed by the contempt petitioner by granting visitation rights to the petitioner to visit the child namely Sahas Gottimukkala on every 3rd Saturday between 10.00 a.m and 12. p.m. at the Child Care Center, situated in the Court premises, Chennai till the disposal of the main petition.

3.The learned counsel for the petitioner would submit that the respondent has not produced the child nor allowed the petitioner to exercise the visitation rights. Thus, the Contempt Petition came to be instituted.

4.Mere disobedience of an order of the Court may not amount to Civil



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5. Section 43(4) of the ***Guardians and Wards Act, 1890*** enumerates that,

“(4) In case of disobedience to an order made under sub-section (1), or sub-section (2), the order may be enforced in the same manner as an injunction granted under section 492 or section 493 of the Code of Civil Procedure, 1882 (14 of 1882)...”

6. Therefore, the petitioner has to approach the Court for execution of the Order passed by the Court. Contrarily, the power conferred on the High Court to punish contempt of Subordinate Court order under Section 10 of the Contempt of Courts Act need not be invoked merely for the purpose of executing the order passed by the Subordinate Courts. Contempt jurisdiction cannot be converted for executing the order passed by the Family Court or any other Subordinate Courts. Therefore, the institution of Contempt proceedings to execute the order passed under the provision of the Guardians and Wards Act, 1890 is not entertainable.



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7. Consequently, the Contempt Petition is dismissed.

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[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Internet: Yes/No

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