



WEB COPY



Cont.P.No.2696 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Cont.P.No.2696 of 2024

in

G.W.O.P.No.82 of 2021

N.Rajasekar

... Petitioner/Husband

Vs.

C.Hemalatha

... Respondent/Wife

PRAYER: Contempt Petition filed under Section 10 of the Contempt of Courts Act, 1971 to punish the respondent for having violated and disobeyed the order of learned Principal District Court, Vellore made in G.W.O.P.No.82 of 2021 on 21/03/2024 in handing over the minor child, namely R.Selva to the petitioner.

For Petitioner

: Mr.M.Prabakaran
for M/s.Swaminathan Law Associates



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ORDER

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

The contempt petition has been filed to punish the respondent for their wilful disobedience of the order passed by the learned Principal District Judge, Vellore District in G.W.O.P.No.82 of 2021 dated 21.03.2024.

2. Section 43(4) of the Guardians and Wards Act, 1890 provides mechanism for execution of the orders passed by the competent Court.

3. Contempt jurisdiction under Section 10 of the Contempt of Courts Act need not be entertained for execution of orders passed by the competent Court under the special enactment wherein provision has been made available for enforcement of the orders passed.

4. When an efficacious remedy is contemplated under the special enactment, High Court need not exercise its powers under Section 10 of the Contempt of Courts Act. The scope of Section 10 of the Contempt of Courts



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Act cannot be expanded for the purpose of implementing certain orders of the Sub-ordinate Courts for which alternate efficacious remedies are available.

5. Regarding the entertainability of contempt petition under Section 10 of the Contempt of Courts Act, the Hon'ble Apex Court in the case of ***Prodip Kumar Biswas v. Subrata Das*** reported in **2004 SCC (Cr.) 1341** held as follows:

"The contempt of Court is a special jurisdiction to be exercised sparingly and with caution whenever an act adversely affects the administration of justice or which tends to impede its course or tends to shake public confidence in the judicial institutions. This jurisdiction may also be exercised when the act complained of adversely affects the majesty of law or dignity of the Courts. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the Courts of law. The contempt proceedings should not be initiated lightly."



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6. Taking into consideration of the principles laid down by the Hon'ble Apex Court, we are not inclined to entertain the contempt petition and consequently stands **dismissed**.

[S.M.S., J.] [V.S.G., J.]

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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