



Cont.P.No.2099 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**  
**AND**  
**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

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R.Nallammal

... Petitioner

*Vs.*

D.Ebenezer @ D.Ebenezer Arul Prasannaraj

... respondent

**Prayer:** The Contempt Petition is filed under Section 10 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the respondent for having wilfully disobeyed the order dated 24.06.2022 in M.C.No.477 of 2017 passed by Hon'ble III Additional Family Court Chennai and punished them as per the provisions of Contempt of Court Act, 1971.

For Petitioner

: Mr.K.Shyam Sunder



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## **ORDER**

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

The present Contempt Petition is filed alleging the non-compliance of the order of the family Court wherein maintenance under Section 125 Cr.P.C., was ordered pursuant to a mediation settlement arrived between the parties.

2.It is the allegation of the petitioner that some of the terms of the settlement agreement has not been complied with by the respondent and hence, she has preferred the present contempt petition.

3.Section 128 Cr.P.C., enables the concerned Magistrate to pass orders for enforcement of any order of maintenance and it does not differentiate a regular contested order from an order arrived at during the course of mediation settlement.



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4.As such when an alternate remedy is available to the petitioner to seek for enforcement of the maintenance order, the present petition seeking for punishing the respondent for disobedience is not maintainable.

5.Accordingly, the petitioner is granted liberty to approach the appropriate Court of law for enforcement of the order passed under 125 Cr.P.C.,

6.With the above liberty, the Contempt Petition stands closed.

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

**31.07.2024**

Index:Yes  
Speaking order  
Neutral Citation:Yes

Tsg



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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

Tsg

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