



WEB COPY



Cont. P.No.3229 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Cont.P.No. 3229 of 2024

Nancy Padma Ruby

... Petitioner

Vs.

Paul Anand Lourd

... Respondent

Prayer: The Contempt Petition has been filed under Section 10 of the Contempt of Courts Act to punish the respondent for his willful disobedience of the order dated 13.10.2022 by this Hon'ble Court passed in I.A.No.1 of 2019 in O.P.No.1250 of 2019.

For Petitioner

: Ms. Jayashree

for M/s. Swaminathan Law Associates



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ORDER

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The present contempt petition has been instituted to punish the respondent for his willful disobedience of the order passed by the VII Additional Family Court, Chennai in I.A.No.1 of 2019 in O.P.No.1250 of 2019.

2. The respondent filed I.D.O.P.No.1250 of 2019 for seeking dissolution of marriage under the Divorce Act 1869. During the pendency of the said IDOP., a petition was filed by the petitioner herein seeking visitation right. The Family Court allowed the petition partly permitting the petitioner to visit her children namely, Ashwelt Cameran Paul, aged about 7 years and Alocious Cameran paul, aged about 3 years, on the 1st and 3rd Saturday between 10.00 to 1.00 p.m. at the Child Care Centre, Family Court, at Chennai. Since the order of the Family Court has not been complied with by the respondent, the present contempt petition came to be instituted.

3. Section 10 of Contempt of Courts Act cannot be expanded for the purpose of execution of orders or decrees passed by the Family Courts or the Civil Courts. The very object of Contempt of Courts Act is to protect the



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administration of justice and not for execution of the orders passed by the Subordinate Courts.

4. Section 10 of the Contempt Courts Act is to be invoked only in exceptional circumstances, where reports are received from the Subordinate Courts regarding commission of Contempt of Court, but not otherwise. Thus, the present contempt petition filed seeking enforcement of the order passed by the Family Court is not entertainable since, the petitioner is having efficacious remedy under the provisions of the Divorce Act itself.

5. By granting liberty to the petitioner to approach the Court concerned for enforcement of the order, the present Contempt Petition stands dismissed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

mrp



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

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