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Contempt Petition No.3444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Contempt Petition No.3444 of 2024

B.Bala Vivek

... Petitioner

Vs.

N.Pavithra

... Respondent

Prayer: Contempt Petition filed under Section 10 of the Contempt of Courts Act 1971, to punish the respondent herein for her willful disobedience to the interim order dated 29.04.2024 passed in I.A.No.5 of 2023 filed in H.M.O.P.No.3718 of 2022 by the Learned III rd Additional Family Judge, Chennai.

For Petitioner

: Mr.M.Govindaraju



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ORDER

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[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The Contempt Petition has been instituted to punish the respondent herein for her willful disobedience to the interim order dated 29.04.2024 passed in I.A.No.5 of 2023 filed in H.M.O.P.No.3718 of 2022 by the Learned III rd Additional Family Judge, Chennai.

2. The petitioner filed O.P.No.3718 of 2022, seeking Dissolution of Marriage under the Hindu Marriage Act. An Interlocutory Application was filed, seeking Visitation Right to see the children. The Family Court granted an interim order, permitting the petitioner to visit the children twice in a month on the first and third Saturday of every month from 10.00 a.m. to 12.00 p.m at the Children Care Centre attached to the Family Court, Chennai, till the disposal of the OP. Since the said order has been violated, the petitioner is constrained to move the present contempt petition.

3. The orders passed by the Family Courts under the Hindu Marriage Act are enforceable under Section 28-A of the Hindu Marriage Act.



Accordingly, all decrees and orders made by the Court in any proceedings under the Hindu Marriage Act shall be enforced in the right manner as the decrees and orders of the Court made in exercise of its original Civil jurisdiction for the time being or in force. When an efficacious remedy is contemplated under the Hindu Marriage Act for execution of the orders, the petition filed under Section 11 of the Contempt of Courts Act, 1971 is not entertainable.

4. Section 11 of the Contempt of Courts Act confers power to High Court to try offences committed or offenders found outside jurisdiction. To invoke Section 11 of the Contempt of Courts Act, there must be a report from the learned Judge from the District Judiciary to the High Court regarding commission of Contempt of Court, enabling the High Court to initiate proceedings. Every orders passed by the Courts would not provide a cause for institution of contempt proceedings under Section 11 of the Contempt of Courts Act, 1971. Only in case, where a report has been received from the learned Judge in the District Judiciary, High Court will be in a position to invoke Section 11 of the Contempt of Courts Act, 1971. When an efficacious alternate remedy is contemplated under the above said Act to enforce orders



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passed by the Family Court and other Courts in the District Judiciary, petition under Section 11 of the Contempt of Courts Act is not entertainable.

Therefore, the petitioner is at liberty to workout his remedy in the manner known to law.

5. With these observations, the contempt petition stands dismissed. No costs.

[S.M.S., J.] [M.J.R., J.]
03.12.2024

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

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To

The III Additional Family Judge,
Chennai.



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

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