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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 1047/2024**

SACHIN KUMAR

.....Petitioner

Through: Mohd. Sajid and Mr. Abdullah
Bin Masood, Advs. alongwith
petitioner in person

versus

NEHA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **10.07.2024**

CM APPL. 38229/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner/husband is seeking initiation of contempt proceedings against the respondent/wife for being in willful disobedience of the undertaking given by her in the Memorandum of Understanding [‘MoU’] dated 05.01.2023, before the learned Principal Judge, Family Courts, West District, Tis Hazari Courts, Delhi.
4. None appeared on behalf of the respondent/wife despite sending advance notice.
5. The grievance of the petitioner/husband is that though divorce by mutual consent has been granted, the respondent/wife has not complied with the undertaking with regard to the visitation rights with



the child granted to the petitioner/husband.

6. The present petition under the Contempt of Courts Act is not maintainable since every infraction of a judicial order or decree is not *per se* contempt. If the judicial order is executable, instead of approaching before this Court, the party should seek execution of the order as per the prescribed procedure. Needless to state, the Family Courts have ample powers to execute its orders under the Family Courts Act as well as other enactments on the subject.

7. The present petition is disposed of with liberty to the petitioner to approach the learned Family Court for appropriate remedy in accordance with law.

DHARMESH SHARMA, J.

JULY 10, 2024

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