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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1074/2024**

NAMISHA SETH

.....Petitioner

Through: Mr.Prateek Goswami,
Mr.Dhiraj Goswami and
Mr.Shashank Goswami,
Advocates.

versus

PRANAV SETH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **16.07.2024**

CM APPL. 39311/2024

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

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3. The petitioner is seeking initiation of contempt proceedings against the respondent under Sections 10, 11 and 12 of the Contempt of Courts Act, 1971 for alleged deliberate and wilful disobedience of the directions dated 11.11.2022 passed by the learned MM, Mahila Court whereby the respondent/husband/father has been directed to pay maintenance to the tune of Rs.60,000/- each to the petitioner viz. the wife, as well as their two minor children, w.e.f. 25.01.2021 till the disposal of the complaint.
4. None is present for the respondent despite sending advance notice.



5. Learned counsel for the petitioner has urged that the respondent/husband /father has fled to Canada. It is submitted that the maintenance has not been paid since the date of passing of the relevant order dated 25.01.2021.

6. It is submitted that the parents of the respondent are well-settled in Delhi as they are running a flourishing tent business as well as having several immovable and moveable properties situated in India, in which the respondent is having a share.

7. This Court is of the opinion that the present contempt proceedings are not maintainable. Each and every direction/order which is flouted by any party cannot be made the subject matter of contempt proceedings. The powers to hold a party in contempt have to be used sparingly and in exceptional cases.

8. However, considering that the maintenance has not been paid to the petitioner and her two children causing insurmountable problems to them, the present petition is disposed of with direction to the learned Mahila Court to issue notice to the parents-in-law of the petitioner and call upon them to submit details of their moveable and immovable properties in India and also specify whether the respondent/husband/father is having any share in the property in Delhi or elsewhere in India. Once the complete disclosure is made, the learned MM shall be competent to initiate appropriate coercive process against the respondent for attachment of his share and provide appropriate relief to the petitioner.

9. The matter is next coming up for hearing before the learned Mahila Court on 31.08.2024. The learned MM concerned is hereby directed to prepone the matter to 01.08.2024 and pass appropriate directions.



10. This contempt petition is disposed of accordingly.
11. Copy of this order be given *dasti* to the learned counsel for the petitioner.

DHARMESH SHARMA, J.

JULY 16, 2024/VLD