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

+ **CONT.CAS(C) 1128/2024**

NEHA SAREEN

.....Petitioner

Through: Petitioner in person

versus

ADITYA AGGARWAL

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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24.07.2024

CM APPL. 41321/2024 (Ex.)

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

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3. The petitioner/wife is seeking initiation of the present contempt proceedings against the respondent/husband for the wilful disobedience of the order dated 28.07.2021 passed by learned MM, North District (Mahila Court-02), Rohini Courts, Delhi, whereby the learned MM directed the respondent/husband to pay the school fee of the child directly to the school. It is also submitted that there is a separate order which has been passed on 28.07.2021, whereby the petitioner/wife was awarded maintenance of Rs. 50,000/- per month w.e.f. 27.07.2017.

4. None appeared on behalf of the respondent/husband despite sending advance notice.

5. The petitioner submits that the respondent/husband has not paid the maintenance and there are arrears to the tune of Rs. 40 lakhs and



apart thereof he is also not paying the school fee directly to the school, as a result of which the school is threatening to take some adverse action against the child.

6. The petitioner has also pointed out that the respondent/husband has filed a detailed income affidavit, setting out his bank account number as well as details of his business.

7. During the course of the arguments, it is also pointed out that although an application has been moved before the learned MM, North District (Mahila Court-02), Rohini Courts, Delhi, no appropriate directions have been passed so far, for enforcement of the orders on arrears of maintenance and depositing of the school fee of the child by the respondent/husband. It is also pointed out that the matter is now listed on 13.09.2024, before the learned Mahila Court.

8. This Court is of the opinion that the orders which have been passed by learned Mahila Court are executable in nature and that the concerned learned Mahila Court is having ample powers to enforce its orders in terms of the provisions of the Protection of Women from Domestic Violence Act, 2005.

9. The present petition is disposed of with a direction to the concerned learned MM, North District (Mahila Court-02), Rohini Courts, Delhi to prepone the matter and hear the petitioner on 29.07.2024, and after hearing the petitioner and specifically the issue concerning the payment of the school fee, appropriate coercive processes may be issued.

10. A copy of this order be given to the petitioner/wife.

DHARMESH SHARMA, J.

JULY 24, 2024/sp