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

+ **CONT.CAS(C) 1136/2024**

KUSUM

.....Petitioner

Through: Mr.Kishore, Mr.Alok Gupta,
Mr.Rudra Pratap Sharma,
Advocates.

versus

SUNIL KUMAR BALMIKI & ORS.Respondents

Through: Mr.Balendru Shekhar, CGSC
with Mr.Raj Kumar Maurya
and Mr.Amit Acharya, GP for
R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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24.07.2024

CM APPL. 41529/2024 – EXMP.

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

CONT.CAS(C) 1136/2024

3. The petitioner is seeking initiation of contempt proceedings against respondent No.1/husband for the alleged deliberate and wilful disobedience of the Memorandum of Settlement (MoS) arrived at between the parties before the Mediation Centre, Saket Court, New Delhi dated 06.01.2024.
4. Learned counsel for respondents No.2 and 3 is present on advance notice.
5. None is present for respondent No.1/husband.



6. Learned counsel for the petitioner has pointed out that in the proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005, preferred by the petitioner, the aforesaid settlement was made as a part of the order, whereby the petition was dismissed as compounded and respondent No.1/husband was directed to abide by the terms and conditions of the settlement *vide* final order dated 10.02.2014 passed by the learned MM, Mahila Court, South District.

7. The grievance of the petitioner is that respondent No.1 has not paid the maintenance since December, 2023.

8. This Court is of the firm view that the order dated 10.02.2014, whereby the MoS was accepted and was made a part of the order, is an executable order.

9. The petitioner is well within her rights to seek appropriate remedy before the Court concerned in terms of the provisions of Protection of Women from Domestic Violence Act, 2005. The learned MM, Mahila Court has ample powers to take cognizance of non-compliances of its orders on the part of the respondent and initiate appropriate measures including coercive processes against the erring respondent in accordance with law.

10. The petition is disposed of with liberty to the petitioner to approach the learned MM, Mahila Court for appropriate relief.

DHARMESH SHARMA, J.

JULY 24, 2024/VLD