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

+ **CONT.CAS(C) 1285/2024**

SUMAN DAHIYA

.....Petitioner

Through: Mr. Vardhman Kaushik, Mr.
Dhruv Joshi, Ms. Sanjana
Mehrotra, Mr. Mayank Sharma,
Mr. Ajay Kanojiya and Mr.
Rudra Rout, Advs.

versus

CHANDER PRAKASH DHAIYA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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20.08.2024

1. This hearing is being conducted through hybrid mode.

CM APPL. 47385/2024 (Ex.)

2. Allowed, subject to all just exceptions.

3. The application stands disposed of.

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4. The petitioner/wife is seeking initiation of contempt proceedings against the respondent/husband for the wilful disobedience of the directions of the Court of learned MM, Mahila Court, South-East District, Saket Courts, Delhi, dated 30.01.2017, whereby the respondent/husband has been directed to make payment of *ad-interim* maintenance of Rs. 20,000/- per month, to the complainant for the maintenance of the complainant/wife as well as their three children.

5. None appeared on behalf of the respondent/husband despite



sending advance notice.

6. Learned counsel for the petitioner acknowledges that the respondent/husband is a Government Servant and the petitioner/wife has already filed three execution applications before the learned MM concerned, for the enforcement of its orders.

7. It is the consistent opinion of this Court that every breach of direction and order passed by the Court cannot tantamount to the contempt of the Court, which powers have to be exercised sparingly and in exceptional cases, where the act of the respondent happens to be unconscionable. Since, the learned MM, Mahila Court is already seized of the matter, the present petition is disposed of with liberty to the petitioner to pursue her remedy before the learned MM Court.

8. The learned MM is hereby impressed upon to ensure that on supplying of all the relevant particulars of the employment of the respondent, appropriate directions shall be passed including directions for attachment of his salary, as also a direction to the concerned employer to ensure the payment of maintenance on a regular basis, including realization of arrears of maintenance if any.

9. A copy of this order be given *dasti* to learned counsel for the petitioner under the signature of the Court Master.

DHARMESH SHARMA, J.

AUGUST 20, 2024

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