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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1583/2024**

KANU PRIYA SHARMAPetitioner
Through: Ms. Trisha Gupta & Ms. Purva
Dua, Advs.

versus

SAMEER BHATIARespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **04.10.2024**

CM APPL. 58471/2024 – EXMP.

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 contempt proceedings against the respondent-husband for wilful disobedience of the directions dated 25.04.2024 and 12.07.2024 passed by the learned Judge, Family Court-02, South-East, Saket.
4. No one is present for the respondent-husband despite sending advance notice.
5. The grievance of the petitioner-wife is that although the respondent-husband in his petition under Section 13(1)(ia) of the Hindu Marriage Act, 1955 pending before the learned Family Court, undertook that he would not hold up disbursement of salary and reimbursement of other expenses of his wife and shall regularly pay the same, which undertaking was reiterated *vide* subsequent order dated 12.07.2024, despite sending numerous reminders between the period August to September, her salary and other allowances have not



been released.

6. The basic fallacy in the present contempt petition is that without having recourse before the learned Judge, Family Court, the petitioner-wife has directly approached this Court in the contempt proceedings, particularly in a scenario where the orders/directions in question are silent on the quantum of salary as well as other perks etc. During the course of hearing, it is brought out that the respondent-husband is in control of the affairs of the company, which is stated to have been started by them jointly *viz.*, 'House of Candy', in which both have been serving as Directors with equal status till the time marital discord did not surface between the two.

7. Be that as it may, it appears that the company is having a running business as well as bank accounts besides the fact that the respondent-husband also hails from the affluent class having other movable and immovable properties. Thus, the petitioner-wife can seek appropriate reliefs from the learned Family Court.

8. It is well ordained that contempt proceedings cannot be invoked for each and every defiance of an order or direction passed by the Family Court. The Family Courts possess sufficient powers at their command to issue appropriate directions, coercive or otherwise, for compliance of its directions.

9. Therefore, the present petition is disposed of with liberty to the petitioner-wife to approach the learned Judge, Family Court for seeking appropriate relief in accordance with law without prejudice.

DHARMESH SHARMA, J.

OCTOBER 04, 2024/sm