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CONT P No. 3334 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19-08-2025

PRONOUNCED ON: 29-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CONT P No. 3334 of 2024

1. Ms. Mavillapalli Lavanya,
D/o. Late M.V. Narasimhachari,
Anugraha, 32, Murrays Gate Road,
Alwarpet, Chennai 600 018

Petitioner(s)

Vs

1. Mr. Mavillapalli Siva Aditya
S/o. Mr. Sundar Nataraj, No. 34/75, II
Street, Gandhi Nagar, Adyar, Chennai
600 020.

Contemnor(s)

PRAYER

This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the Respondent for wilful disobedience of the orders passed by this Hon'ble Court dated 12th January 2023 in C.R.P.(PD) No. 3897 of 2022.



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CONT P No. 3334 of 2024



For Petitioner: Mrs.G.Shanthi Meenakshi,
For Contemnor: Mrs.Chitra Sampath, SC for
Mr.Sandeep S.Shah.

ORDER

This contempt petition has been filed by the wife in matrimonial proceedings, complaining of wilful disobedience of the order passed by this court in CRP. [PD] No. 3897 of 2022 dated 12.01.2023.

2. Heard Mrs.Shanthi Meenakashi, learned counsel for the petitioner/wife and Mrs. Chitra Sampath, learned senior counsel for M/S Sandeep S. Shah, appearing for the respondent/husband.

3.This Court, by an order dated 12.01.2023, disposed of CRP [PD] No. 3897 of 2022, which was filed at the instance of the petitioner/wife against the respondent/husband. The operative portion of the order in the revision is extracted for easy reference:

“12. Considering the facts and circumstances, this Court is inclined to pass the following orders:

(i)The petitioner Mavillapalli Lavanya D/o.Late



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M.V.Narasimhachari is appointed as legal guardian and sole custodian of Minor Mavillapalli Paresa Kedar.

(ii)The respondent/father is directed to meet out the educational expenses, livelihood of the minor and ensure decent accommodation, enabling the minor to stay along with his mother peacefully and continue his education.

(iii)In view of the orders passed in the present Civil Revision Petition, further proceedings in G.W.O.P.No.3918 of 2021 on the file of V Additional Family Court, Chennai, stands strike off.”

4. Now the petitioner/wife has filed the present contempt petition, alleging wilful disobedience of the said order passed by this Court.

5. The learned counsel for the petitioner, Mrs.Shanthi Meenakshi would make elaborate submissions with regard to the disputes between the petitioner/wife and the respondent/husband and the trajectory of the case that culminated in the final orders passed in the revision. According to the



petitioner/wife, the acts of wilful disobedience of the orders of this court can be

summarised in the manner following:

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(i) The husband has not come forward to pay even the expenses in connection with the educational expenses of the minor;

(ii) A close friend of the respondent/husband has sent a WhatsApp message to the petitioner's sister within minutes of the respondent being acquitted in the POCSO case;

(iii) The employer of the respondent has sent a notice on 29.4.2024 to the petitioner and the respondent, claiming repossession of the car which has been used for the comfort and benefit of the petitioner and the minor. The respondent has remained a mute spectator and allowed his employer to harass the petitioner, and ultimately the petitioner has been forced to hand over the car to avoid criminal prosecution.

(iv) The respondent has sent a birthday card on the occasion of the child's birthday in a cover addressed to the petitioner, containing blank papers.

6. The learned counsel for the petitioner would invite my attention to the



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operative portion of the order passed by this Court and state that when the mother has been appointed as legal guardian and sole custodian of the minor son, the respondent is repeatedly attempting to interfere with the rights of the petitioner by harassing and causing disturbances to the petitioner and the minor son, which amounts to a clear case of contempt on the part of the respondent. She would also state that when this court had directed the respondent to meet all educational expenses and livelihood of the minor and also ensure decent accommodation for the minor and the petitioner to ensure that they live peacefully and the minor continues with education, the respondent has not come forward to pay any amounts towards maintenance, and this, also according to the learned counsel for the petitioner, amounts to wilful disobedience of the orders of this court.

7. Lastly, she would also contend that the respondent is protracting the proceedings before the family court, and despite specific directions of the Hon'ble Division Bench of this Court to remove all adverse comments and remarks about the learned counsel for the petitioner, the respondent continues to



disobey the directions of the Hon'ble Division Bench of this Court.

WEB COP 8. In this regard the learned counsel for the petitioner would invite my attention to the counter affidavit filed by the respondent in the present contempt petition, wherein also some allegations are made against the petitioner's counsel. The learned counsel would therefore state that the respondent has been in the habit of flouting the orders of this Court, having no respect for this court, and has clearly flouted the directions issued by this Court while disposing of the civil revision petition. The learned petitioner's counsel would rely on the following two decisions:

- (i) All India Anna Dravida Munnetra Kazhagam Vs. L.K.Tripathi and others reported in (2009) 5 Supreme Court Cases 417; and
- (ii) Ashok Paper Kamgar Union Vs. Dharam Godha And Others reported in (2003) 11 SCC.

9. Per contra, Mrs. Chitra Sampath learned senior counsel appearing for the respondent/husband, would first and foremost state that the entire affidavit in support of the contempt petition does not pinpoint even a particular or a



specific instance of violation or disobedience of the order passed in the revision.

She would also refer to the directions issued in the civil revision petition and contend that even this court, while disposing of the revision petition, had only given general directions, and given the fact that the parties are already before the family court, where the claims of maintenance of the petitioner and the minor are being decided, with general allegations, the petitioner cannot proceed to launch contempt proceedings against the respondent/husband.

10. The learned senior counsel would also point out to the stand of the petitioner before the family court as well and reiterated in the same affidavit in support of the contempt petition, wherein the petitioner has stated that the issue of maintenance would be postponed and taken up at the time of disposal of the main OP, and in this regard, my attention is invited to the averments in Paragraph No. 22 (d) of the affidavit in support of the contempt petition, where the petitioner has stated that in the interest of the ward, the petitioner has agreed to shoulder the fees for the new school herself and proceed with the admission, without prejudice to her rights of getting it reimbursed. Therefore it is the contention of Mrs Chitra Sampath, learned senior for the respondent, that when



the petitioner herself has not insisted upon the respondent paying the school fees and has only reserved her right to claim reimbursement of the same at a later date, the question of alleging an act of contempt does not arise on this ground.

11. As regards the WhatsApp message sent by the friend of the respondent and the greeting card sent by the respondent on the occasion of the birthday of the minor son, the learned senior counsel states that firstly even the identity of the person who sent the said WhatsApp is not disclosed in the affidavit of the contempt petition, and it is the further contention of the learned senior counsel that even assuming that such a WhatsApp message was sent by a third person, it would not in any manner amount to violating the orders of this court.

12. With regard to the greeting card, the learned senior counsel states that the respondent has only addressed the greeting card on the occasion of the birthday of his son through the petitioner alone, and in any event, merely because the father wishes the son on his birthday, it would not amount to disturbing the peace of the petitioner and the minor, as alleged by the petitioner herein.

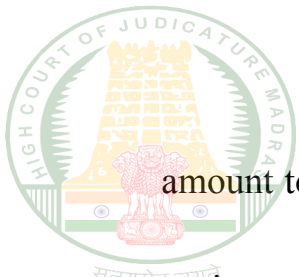


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13. Insofar as the vehicle being repossessed by the employer is concerned, the learned senior counsel states that having left the service of the company and the petitioner as well as the respondent being put on notice about the company requiring the vehicle to be surrendered, the respondent has no role to play. In this regard she would invite my attention to the communication that has arisen between the petitioner herself and the respondent's employer in which the petitioner has attempted to delay the repossession of the vehicle, but ultimately she has surrendered the vehicle.

14. The learned senior counsel would therefore state that even on this account, act of contempt alleged cannot be entertained, because the employer of the respondent had only exercised its legitimate right, and the same cannot be imputed as an act of disobedience of the order of this Court.

15. The learned senior counsel would further state that the order in the civil revision petition also did not continue to protect the continued use of the vehicle for her benefit and the minor son's benefit. Therefore, claiming that the first respondent has been instrumental in his employer proceeding to repossess the vehicle that has been used by the petitioner and the minor son, would not



amount to an act of wilful disobedience of the orders of this Court. The learned senior counsel would therefore pray for dismissal of the contempt petition.

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16. I have carefully considered the submissions advanced by the learned counsel for the petitioner and the learned senior counsel appearing for the respondent. I have also gone through the decisions on which reliance is placed on by the learned counsel for the petitioner.

17. I have already extracted the operative portion of the order passed in the revision, which is now complained of being wilfully violated by the respondent/husband. At the outset, I am able to see merit in the submissions of the learned senior counsel Mrs. Chitra Sampath that while disposing of the revision, this court has not given any specific enforceable directions to be obeyed by the respondent. The CRP has been disposed of only with general directions, while confirming the guardianship of the petitioner and mother and custody being with the petitioner alone.

18. Insofar as the said direction, in the order passed, I do not see a single averment in the affidavit in support of the contempt petition, even alleging that



there has been interference at the end of the respondent/husband with regard to the guardianship and custody of the minor being with the petitioner/wife.

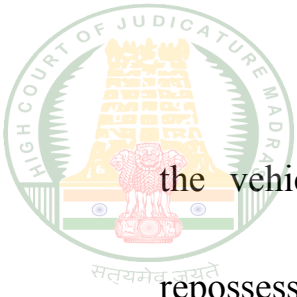
19. Coming to the allegations of wilful disobedience, it appears to be threefold. Firstly, the wife claims that though this court had directed that the respondent has to pay for the maintenance of educational expenses of the minor son, the respondent has not disobeyed the said order. Admittedly a maintenance application is pending before the family court, and the same is being contested. Therefore, in the absence of any specific directions that the respondent/husband has to pay a specific amount towards the expenses of maintenance of the petitioner and the minor son of the petitioner and respondent and also keeping in mind that an application for fixing interim maintenance is at large and pending before the family court, no contempt can be alleged on the ground that the respondent is not coming forward to pay any amount.

20. In fact, as rightly pointed out by the learned senior counsel, the petitioner herself has only chosen to reserve her right to claim reimbursement of fees paid to the new school, and she has not pressed for the said payment before the family court. The parties will have to lead oral and documentary evidence,



and thereupon the family court will decide the quantum of maintenance that is payable to the petitioner and the petitioner's minor son. In the absence of any specific order granting interim maintenance or any specific direction in that regard, fixing any quantum by this court, in the revision, I do not see that non-payment of any amount by the respondent/husband would amount to wilful disobedience of the orders of this court.

21. Secondly, coming to the repossession of the vehicle by the respondent's employer, no doubt the said vehicle has been used for the comfort, benefit and travel for the purposes of the petitioner and the minor son. However, the lawful owner of the vehicle, being the respondent's employer, has caused a notice claiming its right to repossess the vehicle. In such circumstances, the petitioner has attempted to negotiate with the respondent's employer directly and seek further time to get suitable orders from the court before handing over the vehicle; however, it is seen that subsequently the petitioner has surrendered the vehicle since there was a threat of criminal prosecution issued by the employer. The said exercise of repossessing the vehicle by the employer cannot be said to be one instigated by the respondent/husband. As the lawful owner of



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the vehicle, the respondent's employer is well within its right to claim repossession of the vehicle, and therefore, even this cannot be put against the respondent as an act of wilful disobedience of the orders of this Court. More so, there is no specific direction regarding the continued use of the vehicle by the petitioner and the minor son in the order passed in the revision. Therefore, to pinpoint this incident of repossession of the vehicle by the respondent's employer and state that it is in violation of the orders of this court and can never be countenanced.

22. With regard to the WhatsApp message sent by a friend of the respondent to the sister of the petitioner, it is seen that the said message has been sent soon after the respondent has been acquitted in the POCSO case. In the affidavit filed in support of the contempt petition, it does not even disclose the name of the person who sent the message, and admittedly, the said message, even according to the petitioner, was sent only to the sister of the petitioner. Therefore, in the absence of any further details with regard to the acquaintance of the said friend of the respondent and the petitioner's sister and other details regarding the said message, the same cannot be certainly contemptuous, and the



respondent cannot be imputed for the same.

WEB COP 23. No doubt the learned counsel for the petitioner has elaborated on the said WhatsApp message in the additional submissions as well as the reply statement filed along with further documents in support of the reply statement. However, in the first instance, when the petitioner has complained of an act of wilful disobedience/contempt of court orders, by making a very vague and general statement, and after a detailed counter has been filed, the petitioner cannot improve upon the acts of contempt by attempting to elaborate on the original case with which the petitioner has approached the court, alleging contempt committed by the respondent/husband.

24. Thirdly, with regard to the birthday card, I do not see how an act of a father sending a birthday card/message to his son would amount to an act of contempt or disobedience of the orders of this Court in the revision. The petitioner has relied on general observations and directions that have been passed in the order and proceeded to allege disobedience of the said order. Unless the petitioner is able to pinpoint and narrow down specific allegations as to how the respondent has committed contempt of the orders of this Court, I am



unable to see how the petitioner can maintain her contempt petition, in light of the general and vague allegations that are made against the respondent/husband.

25. Further, I have taken note of the conduct of the respondent in LPA No. 9/2025 where orders in the sub-applications arising out of this contempt petition have been challenged by the respondent husband before the Hon'ble Division Bench of this court. The Hon'ble Division Bench set aside the orders passed in Sub. Application No. 1123/2024 and gave liberty to the respondent/husband to move an appropriate application before the family court and seek redressal of his grievance.

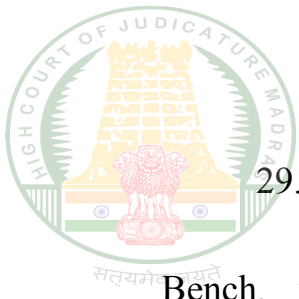
26. In the said order of the division bench, the learned counsel for the appellant was directed to file amended copies of the counter and counter-claim of the dissolution of marriage filed by the respondent/wife; the application in IA.No. 16 of 2024; the appellant/husband's rejoinder in IA.No.16/25; the written arguments of the appellant/husband; and the common counter to the emergent petitions filed by the respondent/wife by the next date of hearing before the family court, incorporating the revised paragraphs set forth in the affidavit dated 2.4.25 removing all personal allegations made against the counsel for the



respondent/wife.

WEB COPY 27. The affidavit filed by the husband dated 2.4.25 removing all personal allegations against the learned counsel for the wife was taken on file by the Hon'ble Division Bench of this court, and the affidavit was also recorded. There is merit in the grievance of the learned counsel for the petitioner that despite filing such an affidavit on 2.4.25; later, on 25.4.2025, when the counter-affidavit has been filed in the present contempt petition, there is continued reference and allegations made against the counsel for the petitioner/wife.

28. Countering the said grievance of the counsel for the petitioner, the counsel on record, for the respondent, states that an affidavit has been filed subsequently, omitting all references and allegations made against the counsel for the petitioner/wife. However, no such affidavit is found in the court record. The learned counsel on record is also unable to furnish any diary number, except for furnishing an office copy of the counter affidavit where too, only pencil corrections have been carried out, retracting the allegations against the counsel for the petitioner.



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29. Despite having filed a solemn affidavit before the Hon'ble Division Bench, undertaking to retract all the allegations against the counsel for the petitioner, again, on 25.4.25, when the counter affidavit has been filed in the contempt petition, there are allegations still made against the counsel. In paragraph B32, I find that there are specific allegations against the counsel for the petitioner/wife. The same is extracted:-

“It appears that the petitioner and her counsel have come forward with false allegations before the Family Court, with an intent to undermine and bury the effect of the acquittal judgement by repeatedly bringing forth such vexatious claims.”

30. It is really unfortunate that the litigant who has placed on record an undertaking before the Hon'ble Division Bench of this Court, continues to make allegations against the counsel appearing for the counterpart, that too after admitting to withdrawing all such allegations made in the proceedings, even before the division bench of this court. I am unable to digest the said conduct of the respondent/husband.

31. Therefore, while dismissing the contempt application, I direct the



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respondent/husband to file an unconditional affidavit of apology within a period of one week before the Registry of this Court, regretting for the allegations made in the counter filed in this contempt petition against the counsel for the petitioner/wife. The said affidavit shall state that the respondent withdraws unconditionally, all allegations made against the learned counsel for the petitioner.

32. In view of the above directions and detailed discussions made herein above, I do not find that the respondent has committed any act of disobedience, much less wilful disobedience, of the orders of this court in CRP[PD] No. 3897/2024. This contempt petition is **dismissed**. No costs.

29-08-2025

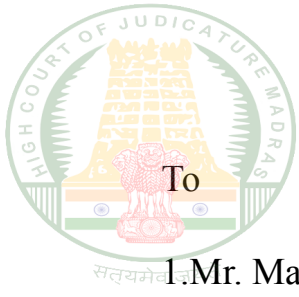
jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. Mr. Mavillapalli Siva Aditya

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CONT P No. 3334 of 2024



P.B.BALAJI J.

jrs

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