



WEB COPY

CONT P No. 1964 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

CONT P No. 1964 of 2024

Sivasankari

..Petitioner

Vs

Paranitharan

..Contemnor

Prayer in CONT P No. 1964 of 2024: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order passed by this Hon'ble Court dated 20.01.2020 made in the above Tr.C.M.P. No.376 of 2019 on the basis of Joint Compromise memo dated 20.01.2020 entered between the petitioner and respondent.

For Petitioner: Ms.Anita P Jason

For Contemnor: Mr.P.Veeraraghavan

ORDER

Heard.

2. The petitioner has filed the present contempt petition invoking Section 11 of the Contempt of Courts Act, 1971, alleging wilful disobedience of the order dated 20.01.2020 passed in Tr.C.M.P.No.376 of 2019, which was disposed of on the basis of a Joint Compromise Memo dated 20.01.2020.



3. Under the said order, the marriage between the parties stood dissolved in terms of the compromise. One of the terms recorded therein is that the respondent shall hand over the petitioner's jewels on or before 31.01.2020, besides other obligations relating to fixed deposits in the names of the children and payment of educational expenses/tuition fees.

4. The alleged act of disobedience, even as per the petitioner's own showing, pertains to non-compliance of the compromise terms on or before 31.01.2020. The contempt petition has, however, been instituted only in the year 2024, i.e., long after the alleged default. It is noticed that in view of Section 20 of the Contempt of Courts Act, 1971 this petition appears to be barred by limitation, however the there is no issue raised regarding limitation before this Court.

5. Further, contempt jurisdiction is not intended to operate as a substitute for execution or as a forum to work out private rights flowing from compromise terms. Contempt is attracted only where there is a clear and unequivocal command of the Court and demonstrable wilful disobedience; it cannot be invoked to adjudicate disputed compliance or enforce *inter se* obligations requiring factual enquiry.



6. The decision relied upon by the petitioner *in-re* **Praveen Singh Ramakant Bhadauriya v. Neelam Praveen Singh Bhadauriya**, [*Civil Appeal No.4541 of 2019*] is clearly distinguishable. In the said case the Hon'ble Supreme Court dissolved the marriage by exercising extraordinary powers under *Article 142*, incorporated compromise terms into its judgment, and expressly observed that non-compliance would entail contempt of the Supreme Court. The present matter, however, concerns enforcement of compromise obligations recorded in a transfer petition order, with disputed compliance and remedies that lie in the realm of enforcement proceedings. Hence, the said authority does not govern the maintainability of the present contempt petition.

7. At the same time, it requires to be clarified that the compromise order emanates from this Court in proceedings under Section 24 CPC, and not from a decree passed by a Family Court in exercise of original jurisdiction. If at all the compromise terms are to be worked out by way of execution, the decree/order would have to be drawn up in this Court and execution, if maintainable, would lie only before the appropriate executing forum in accordance with law.

8. The petitioner's grievance essentially seeks implementation of compromise obligations relating to jewels, fixed deposits and tuition fees. The compromise terms regarding tuition fees are expressly conditioned upon receipt of "authenticated intimation" from the concerned institution; and the



compromise itself contemplates that in the event of default, the petitioner may take action by way of EP/maintenance before the appropriate forum. Questions as to whether such authenticated intimation was furnished, what amounts were due, what compliance was made, and whether any default was wilful, would necessarily entail factual enquiry. Such contested issues are outside the limited and summary scope of contempt jurisdiction.

9. For the foregoing reasons, the Contempt Petition is dismissed. The petitioner is left at liberty to work out remedies, if any, in the manner known to law before the appropriate forum, in accordance with the compromise terms and applicable procedure.

28-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE J.

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