

(2011) 06 KL CK 0146

In the High Court Of Kerala

Case No : Con. Case (C) . No. 791 of 2010 (S)

M. Satheeratnam

APPELLANT

Vs

Vimala K. and K. Ajayakumar

RESPONDENT

Date of Decision : 14-06-2011

Acts Referred:

Citation : (2011) 06 KL CK 0146

Hon'ble Judges : Jasti Chelameswar, J;Antony Dominic, J

Bench : Division Bench

Advocate : P.P. Jacob, for the Appellant;

Judgement

Antony Dominic, J.—The Petitioner filed W.P. (C). No. 26173 of 2009, in which an interim order dated 17.12.2009 was passed directing payment of the admissible subsistence allowance payable to the Petitioner. Complaining of non-payment and disobedience of the said order, this Contempt of Court Case was filed.

2. Pursuant to the order passed by this Court, during the pendency of this proceedings, an amount of Rs. 50,000/- was paid to the Petitioner. Subsequently, by judgment rendered on 23.3.2011, the Writ Petition itself was disposed of directing that the amount due towards the subsistence allowance should be paid.

3. According to the Respondents, the balance amount due to the Petitioner was Rs. 28,753/- and that the said amount has been paid on 3.5.2011. It is stated that with the payment so made, the liability is fully discharged. Although learned Counsel for the Petitioner disputed the correctness of the said statement, the fact remains that, according to the Respondents, the entire liability has been discharged. Therefore, even if the Petitioner has any dispute about the exact amount payable, Cont. Case.791/10 2 it is for the Petitioner to work out his remedies in appropriate proceedings and nor by way of a petition under the Contempt of Courts Act.

4. For the above reasons, we are satisfied that there is no wilful disobedience on the part of the Respondents for initiating proceedings under the Contempt of

Courts Act.

The Contempt of Court Case is, therefore closed.