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

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..... Petitioner

Through: Ms. Shivani Luthra Lohiya and
Ms. Asmita Narula, Advocates.

versus



..... Respondent

Through: Appearance not given.


CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

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1. The present petition has been filed by the petitioner, seeking:

“A. Initiation of Contempt proceedings against the Respondent for flouting and committing breach of successive Orders of this Hon'ble Court, including the Orders dated 01.06.2023, 23.05.2023, 19.05.2023 and 09.05.2023 passed by this Hon'ble Court in 

B. Initiate Contempt proceedings against the Respondent for flouting and committing breach of successive Orders of this Hon'ble Court”

2. Learned counsel for the respondent has fairly admitted that Paragraph No. 3 of the order dated 01.06.2023 has not been complied with. He further submits that the contempt petition itself is not maintainable, whereas he

undertook to pay the amount as mentioned in Paragraph No. 3 of the order dated 01.06.2023, which is reproduced as under:

“Respondent, who is connected through VC, undertakes that without prejudice to his rights and contentions, he shall continue to pay the maintenance amount as was being paid earlier on or before the 7th day of each English calendar month till the final disposal of the appeal or at least till the disposal of CM. APPLS. 44623/2022 and 18592/2023. He further without prejudice undertakes that he shall pay the maintenance for the month of May within 24 hours through an online transfer and for the month of June before 7th June, 2023. The undertaking is accepted.”

3. He still insists that this petition is not maintainable. He is not ready to comply with the order mentioned above. Therefore, keeping in view the fact that he has failed to pay the amount undertaken before this Court, to be paid to the petitioner, the respondent is held guilty of the contempt of this Court.

4. The contemnor shall remain present in Court on the next date of hearing.

5. At this stage, learned counsel for the respondent submits that the respondent is not in India. Accordingly, he is unable to appear in the Court.

6. From the submissions of the learned counsel for the respondent, it is evident that he is not willing to purge the contempt by complying with the orders or to address on the sentence, we hereby sentence him for Simple Imprisonment of three months with fine of Rs. 2,000/-. The SHO, Tilak Marg is directed to issue warrants of arrest against the respondent and shall also get the Look Out circular issued against the respondent.

7. The contempt petition be now listed on 19.07.2023.

8. A copy of this order be furnished to the SHO, Tilak Marg for information and compliance.

SURESH KUMAR KAIT, J

NEENA BANSAL KRISHNA, J

