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

+ CONT.CAS(C) 844/2011

DEEPA SINGHAL

..... Petitioner
Through: Petitioner in person with her
counsel Mr. Yashvardhan.

versus

SUDHA SINGHAL & ANR

..... Respondents
Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
21.11.2011

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This petition has been preferred under Article 215 of the Constitution of India read with Sections 11 & 12 of the Contempt of Courts Act, 1971 alleging deliberate and willful, breach of the order dated 05.10.2011 passed in W.P.(Crl.) No. 1081/2011. That writ petition has been preferred by the petitioner to seek a writ of Habeas Corpus for production of her husband Mr. Achint Singhal. On 05.10.2011, both Mr. Achint Singhal and his mother, who was respondent No. 4 in that petition, appeared before the Court. The Court was informed that Mr. Achint Singhal is undergoing treatment at the Out Patient Department (OPD) of Psychiatry at All India Institute of Medical Sciences (AIIMS). The Court enquired from Mr. Achint Singhal as also from his mother Mrs. Sudha Singhal, who was respondent No. 4 in those proceedings, as to whether Mr. Achint Singhal is regularly taking the prescribed medicines and both have answered in the

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affirmative. The Court had also enquired from Mr. Achint Singhal as to where he would like to reside and he stated that he would like to stay with his mother, i.e. respondent No. 4. He also gave his address to the Court. In view of the aforesaid statement, the writ petition was disposed of as not pressed.

The case of the petitioner is that the petitioner thereafter preferred proceedings under the Protection of Women from Domestic Violence Act, 2005. Notice was issued in those proceedings. The same was taken to be served at the address furnished to the Division Bench in the writ proceedings and the premises were found locked. The learned MM in his order dated 31.10.2011 records that it seems that the respondents in domestic violence proceedings are deliberately avoiding the service to appear before the Court and also trying to conceal themselves. The respondents have been proceeded ex-parte in those proceedings.

The submission of the learned counsel for the petitioner is that the aforesaid conduct of the respondents tantamounts to willful breach of the order dated 05.10.2011.

In my view, there is absolutely no merit in this submission of the learned counsel for the petitioner. The writ proceedings were initiated for production of Mr. Achint Singhal, who was, apparently, not to be found at the relevant time. He was produced in those proceedings and he himself voluntarily made a statement that he would like to

continue to reside with his mother. The order does not record any undertaking, or any direction of the Court that Mr. Achint Singhal or his mother shall continue to reside at the address furnished by them and shall not change their address. In any event, merely because the service report records that the premises were found locked when the Process Server approached the given address for service, it does not mean that there was any breach of the order.

Dismissed.



VIPIN SANGHI, J

NOVEMBER 21, 2011

'BSR'

⇒ Form cm 22368/11 for
recall of above order
filed.