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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CONT.CAS(C) 108/2016  
KANTA KOHLI (DECEASED)  
THR RASHMI SETH ..... Petitioner/Relator

Through: Mr. D.K. Thakur, Adv.

Versus

MUKESH KOHLI ..... Respondent/Alleged Contemnor

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **19.02.2016**

1. Contempt is alleged of the orders dated 25<sup>th</sup> November, 2003 and 8<sup>th</sup> January, 2004 respectively in RFA No.605/2001.
2. The orders of which contempt is averred are on an application in the appeal under Order XXXIX Rule 1&2 of the Code of Civil Procedure, 1908 (CPC).
3. The Division Bench of this Court in *Bimal Chandra Sen Vs. Kamla Mathur* 22 (1982) DLT 33 subsequently followed in *J.R. Jindal Vs. Family Planning Association of India* 80 (1999) DLT 464 has held that in such situation petition under the Contempt of Courts Act, 1971 is not the remedy but the application under Order XXXIX Rule 2A of the CPC is to be filed.
4. The petition is thus dismissed with liberty however to the petitioner to approach under Order XXXIX Rule 2A of the CPC in RFA No.605/2001.

No costs.

**RAJIV SAHAI ENDLAW, J**

**FEBRUARY 19, 2016**

‘gsr’..