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

+ **CONT.CAS(C) 851/2016 & C.M.No.24965/2016**

SAHAB RAM

..... Petitioner

Through Mr.Siddhant Asthana, Advocate.

versus

PRADEEP SHARMA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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18.07.2016

Present contempt petition has been filed alleging wilful disobedience of settlement and undertaking dated 19th August, 2015, whereby the suit of the petitioner was disposed of in accordance with the respondent's undertaking to pay Rs.4,25,000/- to the petitioner in full and final settlement.

Learned counsel for the petitioner states that till date the respondent has not honoured his undertaking. He further states that though the petitioner has initiated execution proceedings, however, in terms of Section 2(b) of Contempt of Courts Act, 1971, the action of the respondent amounts to the wilful disobedience of the Court's order.

However, this Court is of the opinion that as the petitioner has an alternate effective remedy by way of an execution, which remedy the petitioner has already exercised, the present contempt petition need not be entertained. In fact, a Coordinate Bench of this Court in

Jamna Datwani Vs. Kishin Datwani & Ors. MANU/DE/4122/2014

has held “*The contempt power under the Contempt of Courts Act is not only discretionary but is also to be used sparingly. A trend which has been noticed by this court is that parties invariably try to invoke the provisions of the Contempt of Courts Act in order to get orders implemented while there is machinery provided under the CPC for the purpose of getting orders, decrees or directions executed.*”

Consequently, the present contempt petition and the application are disposed of giving liberty to the petitioner to agitate all his grievances before the Executing Court in accordance with law.

MANMOHAN, J

**JULY 18, 2016
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