

\$~44

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

+ CONT.CAS(C) 1075/2016 & C.M.No.35345/2016

POOJA JHA Petitioner
Through Mr.Virender Tarun, Advocate.

versus

LALLAN JHA & ORS Respondents
Through

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
26.09.2016

%

Present contempt petition has been filed alleging wilful disobedience of the Settlement Agreement dated 29th July, 2015 on the basis of which the FIR No.80/2015 was quashed vide order dated 18th March, 2016 passed in W.P.(Crl.) No.867/2016.

It is pertinent to mention that vide Settlement Agreement dated 29th July, 2015, parties amicably resolved their differences and agreed to stay together.

Learned counsel for petitioner states that despite the aforesaid Settlement Agreement, on 19th March, 2016, the petitioner was thrown out of the matrimonial house with her minor child and since then she is residing at her paternal house.

However, a perusal of the paper book reveals that neither the Settlement Agreement was taken on record nor an order or undertaking in terms thereof was passed or accepted.

Consequently, keeping in view the judgment of the Supreme Court in *Afcons Infrastructure Limited and another vs. Cherian Varkey Construction Company Private Limited and Others*, (2010) 8 SCC 24, present contempt petition is not maintainable. However, the petition is dismissed with liberty to the petitioner to file appropriate proceedings in accordance with law including filing an application for recall of the order dated 18th March, 2016 passed in W.P.(Crl.) No.867/2016.

MANMOHAN, J

SEPTEMBER 26, 2016
KA