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

+ **CONT.CAS(C) 667/2018**

MUKUL

..... Petitioner

Through: In person.

Versus

PREETI BHATIA

..... Respondent

Through: In person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

29.11.2018

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Both the sides are present in person and they have chosen to make submissions. So, this petition is taken up for hearing and disposal.

Based on joint statement of parties, first motion has been granted by the matrimonial court vide judgment of 2nd May, 2014. Respondent, during first motion in the joint statement recorded on 2nd May, 2014, had categorically stated that she has settled all disputes and claims with regard to dowry, *istridhan* and the past, present and future maintenance amicably. However, she has thereafter chosen not to come forward for second motion and instead thereof, lodged an FIR against petitioner in the year 2015 and in proceedings before the criminal court, she has stated on oath on 3rd October, 2017 that after first motion, petitioner had asked for ₹25,00,000/- while undertaking to return this money before second motion, but sum of ₹25,00,000/- has not been returned by petitioner.

On a query put to petitioner, it is disclosed that respondent is yet to be cross-examined before the criminal court.

Upon hearing, this Court finds that instead of entertaining this contempt petition, it would be appropriate if petitioner cross-examines respondent before the criminal court while relying upon the joint statement of 2nd May, 2014 as there is change in fact situation subsequently.

With aforesaid observations, this petition is disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 29, 2018

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