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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 538/2019& CM APPL.27666/2019**
GUNJAN BANGA

..... Petitioner

Through:

versus

DEEPAK BANGA& ANR

..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **07.08.2019**

CM APPL.27666/2019 (for exemption).

Exemption allowed subject to all just exceptions.

Application is disposed of.

CONT.CAS(C) 538/2019

The present petition has been filed by the petitioner for non-compliance of order dated December 6, 2018. The order reads as under:

“Ld. counsel for parties submit that both parties have settled their disputes with the help of counselling cell pursuant to which parties have agreed to take divorce by mutual consent. They have prayed that present petition may be disposed off as compromised. Separate statement of petitioner as well respondent has been recorded in this regard. I have heard Ld. counsel for both parties and perused the settlement, Ex. C-1 as

well as statement recorded in the court. Perusal of the above shows that both parties have agreed to take divorce by mutual consent. The settlement so arrived between the parties appears to be a lawful settlement and I see no legal impediment to accept the same. In view of above facts and circumstances, the present petition filed by the petitioner is disposed of as compromised in terms of settlement, Ex.C-1.”

From the perusal of the order it is clear that the family court has disposed of the suit in terms of the settlement entered between the parties.

I have perused the settlement recorded, the family court taken the settlement on record and disposed of the suit. It is not the case of the petitioner that any undertaking given to the court or the order passed by the court has been violated. The petitioner has a remedy of execution of the order passed in the suit, I am not inclined to entertain this contempt petition. Reliance is placed by counsel for the petitioner on the judgement in the case of ***Shikha Bhatia vs. Gaurav Bhatia & Ors. Cont. CAS (C) 274/2009 decided on May 13, 2010*** which is clearly distinguishable inasmuch as, in the said case there was a wilful violation of the orders and undertaking given to the court, which were accepted by the court on October 13, 2017. I am not inclined to entertain the contempt petition. Contempt petition is closed. Liberty is with the petitioner to seek such remedy as available in the law.

V. KAMESWAR RAO, J

AUGUST 07, 2019/k