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

+ **CONT.CAS(C) 881/2019**

SUKHMANI KAUR OBEROI

..... Petitioner

Through: Mr. Praveen Kumar, Mr. Neetej
Kumar, Advocates (M:9871341677)

versus

CHANPREET SINGH BAMMI & ORS.

..... Respondents

Through: Mr. Namit Suri, Ms. Purnima Singh,
Advocates (M:9560063828)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.01.2024

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1. The present contempt petition has been filed alleging willful disobedience of the order dated 13th September, 2019 and 20th September, 2019 passed in *CC No. 16176/2019* wherein, the court had passed Residence Order in favour of the petitioner and had directed the respondents to allow entry to the petitioner in the matrimonial home.
2. Learned counsel for respondents submits that a reply on behalf of respondents has been filed, wherein it has clearly been brought on record that operation of the order dated 13th September, 2019 has already been stayed by a Coordinate Bench of this Court vide order dated 04th March, 2020 in *CRL. M.C. 4695/2019*.
3. He further submits that the said matter is still pending and is now listed for hearing on 23rd February, 2024.
4. The aforesaid contentions made on behalf of the respondents are vehemently disputed by Mr. Praveen Kumar, learned counsel for petitioner.



He submits that the present contempt petition pertains to willful disobedience of two orders viz. 13th September, 2019 and 20th September, 2019 and that the order dated 20th September, 2019 has not been stayed by any court. Therefore, he submits that the present contempt petition would survive.

5. This Court has heard learned counsel for the parties and has perused the record.

6. The reply filed on behalf of respondents clearly shows that the petitioner has been living in the United States of America with the minor son for more than three years. It is further stated in the reply that an alternative accommodation was also offered to the petitioner, but the same was declined by the petitioner. The relevant paragraphs of the reply filed on behalf of respondents reads as under:

“xxx xxx xxx

*2. It is stated that the Order dated 13.09.2019 passed in CC No. 16176/2019 of which contempt is sought has already been stayed by this Hon'ble Court vide its order dated 04.03.2020 passed in Crl. Mc. 4695/2019 titled as "Amarjeet Singh Bammi & Anr. Vs Sukhmani Kaur and Anr." Copy of order dated 04.03.2020 passed in Crl. Mc. 4695/2019 is annexed herewith as **Annexure R1**.*

3. It is further pertinent to mention that the Petitioner has been living away from respondent no.1 since January 2019 and has been living in the United States of America with the minor son Master Fatehvir Singh Bammi since last 3.5 years i.e. from March 2020 and has no requirement of any nature whatsoever of any residence rights in Delhi. Patently, the present petition is gross abuse of process of law and has been filed only to harass the Respondents.

4. Even otherwise, in the aforesaid proceedings, an alternative accommodation was offered to the Petitioner, however, the said offer was declined by the Petitioner in the proceedings dated 14.10.2019 making it amply clear that the only intention of the Petitioner is to harass the Respondents more particularly Respondent Nos. 2 and 3 who are father of Respondent no.1 and



*senior citizens. Copy of the order dated 14.10.2019 passed in Crl. Mc. 4695/2019 is annexed herewith as **Annexure R2**.
xxx xxx xxx”*

7. Thus, perusal of the aforesaid clearly shows that the petitioner has been offered alternative residence by respondents, which has been declined by the petitioner.

8. This Court also notes that on a pointed query by this Court regarding visitation of the petitioner to India, learned counsel for petitioner has submitted that the last time the petitioner came to India, was in the year 2022. Thus, it is clear that when the petitioner has been living in the United States of America and has not visited India since 2022, there is no question of any Residence Order that is required to be followed for allowing the petitioner's entry in the matrimonial home.

9. This Court also rejects the contention of learned counsel for petitioner that the present contempt ought to continue since order dated 20th September, 2019 has not been stayed. Perusal of the order dated 20th September, 2019 shows that the said order was for compliance of the order dated 13th September, 2019. Thus, when the main order dated 13th September, 2019 has already been stayed, there is no question of any order being passed by this Court in the contempt proceedings for compliance of the order dated 20th September, 2019.

10. Considering the fact that the petitioner is no longer residing in India and lastly visited India only in the year 2022 and also considering the fact that a Coordinate Bench of this Court has already stayed the order dated 13th September, 2019, no further orders are required to be passed in the present contempt petition.



11. Accordingly, the present contempt petition is disposed of. Notice of contempt is accordingly discharged.

JANUARY 29, 2024

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MINI PUSHKARNA, J