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

+ **CONT.CAS(C) 1595/2023**

AMIT JHURANEY

.....Petitioner

Through: Mr R D Singh with Ms Sangita and
Ms Jyoti Thakur, Advs. along with
contemnor/respondent

versus

SHALLY JHURNEY ALIAS CHANDANI

.....Respondent

Through: In person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

23.07.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. The broad contours of the case were recorded by the coordinate bench via order 07.08.2023 passed in MAT. APP. (F.C.) 1/2023. To avoid prolixity, the relevant parts of the said order are extracted hereafter:

“1. This Court is informed that earlier parties had arrived at a settlement and pursuant to that settlement, respondent-husband had to pay an amount of Rs.9 lacs in favour of appellant-wife out of which Rs.4.5 lacs had to be paid at the time of first motion and balance amount at the time of second motion. However, after receiving amount of Rs.4.5 lacs at the time of first motion, appellant-wife had backed out and did not co-operate with respondent-husband at the time of second motion. Thereafter, respondent-husband had filed a contempt petition, i.e. M. No.15/2014 (now M. No.58696/2016) tilted as Arun Jhuraneys vs. Shally Jhurney @ Chandani before learned Principal Judge, Family Court, Central, Tis Hazari Courts.

2. Appellant-wife is present in person along with her mother namely Ms. Jyoti Chandani and she submits that she wishes to return the amount of Rs.4.5 lacs to respondent-husband which she received at the time of first motion, however, the respondent-husband does not accept the said amount

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for the reason that contempt petition is pending against the appellant-wife in the Court of learned Principal Judge, Family Court, Central, Tis Hazari Courts.

3. As agreed by appellant-wife, we hereby direct appellant-wife to deposit the amount of Rs.4.5 lacs within one week with the learned Registrar General of this Court who shall convert the same into FDR in auto-renewal mode without prejudice to the rights and contentions of the parties.

4. It is pertinent to mention here that on the last date of hearing this Court interacted with the parties in open Court, however, today we interacted in chamber. After interaction with the parties, we find that parties are not ready to settle their inter se disputes.

5. Parties present in person jointly submit that the aforesaid contempt petition pending before learned Family Court be heard and decided along with present appeal by this Court.

6. Accordingly, we hereby direct the Registry to requisition the contempt petition, i.e. M. No.15/2014 (now M. No.58696/2016) tilted as Arun Jhuraneys vs. Shally Jhuraneys @ Chandani before learned Principal Judge, Family Court, Central, Tis Hazari Courts within one week and list the same along with present petition on 01.11.2023 in the category of 'Final Hearing'..."

2. As would be evident from a perusal of the extract of the order dated 07.08.2023 the settlement between the parties failed since the parties did not proceed to the second motion stage.

3. Given this position, the petitioner/husband, i.e., Amit Jhuraneys instituted a contempt petition, i.e., M. No.58696/2016. The contempt action was transferred to this Court pursuant to the direction issued by the coordinate bench *via* order dated 07.08.2023.

4. We are informed by the respondent, i.e., Shally Jhuraneys *alias* Chandani, who appears in person, that she has deposited Rs.4.5 lakhs with the Registry of this Court.

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4.1 This fact is not disputed by Mr R D Singh, learned counsel, who appears on behalf of the petitioner/husband, i.e., Mr Amit Jhuraney.

5. According to us, the fact that the respondent/wife, i.e., Shally Jhuraney did not proceed further with the second motion would not *ipso facto* result in triggering a contempt action against her. There is nothing on record which would demonstrate there was wilful and deliberate violation of an order(s) passed by the Court. In any event, in law, the respondent/wife is entitled to revisit her position as to whether or not she wishes to go ahead with the dissolution of the marriage.

6. The Court could, if the circumstances permit, perhaps, draw an adverse inference concerning the conduct of the respondent/Shally Jhuraney in not going forward with the second motion.

7. The respondent/Shally Jhuraney has expressed regret in not going through with the second motion. She wishes to continue with her marital relationship.

8. Given this position, the contempt petition is closed.

9. The Registry is directed to release Rs.4.5 lakh deposited by the respondent/Shally Jhuraney along with interest that may have accrued to the petitioner/husband, within the next two (2) weeks.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 23, 2024/pmc

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