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

% **Date of decision: 23rd August, 2024**

+ **CONT.CAS(C) 1322/2024**

ANKITA SINGH

.....Petitioner

Through: **Mr. Pramod K. Tiwary & Mr.
K.K. Singh, Advocates.**

versus

ANAND VIKRAM SINGH

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

CM APPL. 48309/2024, CM APPL. 48310/2024 (EXMP).

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

CONT.CAS(C) 1322/2024 & CM APPL. 48308/2024

3. The petitioner is seeking initiation of contempt proceedings against the respondent for wilful disobedience and breach of statement/undertaking given by him recorded in the settlement agreement dated 23.10.2017 before the Delhi High Court Mediation and Conciliation Centre.
4. Learned counsel for the petitioner has urged that in pursuance of the statement made by the petitioner recorded in the Memorandum of Understanding [“MoU”] dated 23.10.2017, the respondent was granted anticipatory bail by this Court *vide* order dated 24.10.2017 in Bail Application No. 2364/2016, It is submitted that the respondent despite getting such benefit, did not comply with the terms and



conditions of the MoU and the lump sum amount of Rs. 20 lacs agreed upon, towards full and final settlement of claims of the petitioner with regard to maintenance (past, present and future) and permanent alimony besides *istridhan* and her rights arising out of marriage, were not paid.

5. It is submitted that on respondent reneging from his undertaking, the petitioner pursued an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 [“CPC”] for setting aside *ex parte* decree of divorce passed by the learned Principal Judge, Family Court, Kanpur, Uttar Pradesh in petition bearing No. 662/2013, which was allowed but the same has been challenged by the respondent before the Allahabad High Court, which matter is still *sub-judice*.

6. In the said backdrop, the petitioner is unable to explain the delay of more than 2054 days in filing the present petition for contempt. The plea that cause of action arose for filing the present petition on dismissal of her application for cancellation of bail filed before this Court in CrI. M.C. 5619/2018 *vide* order dated 01.12.2023, does not cut much ice. The agreement stipulated compliance in a time bound manner, and unfortunate as it may seem, the petitioner sat over her legal right for a very long time. Therefore, there are no justifiable grounds to initiate contempt proceedings against the respondent for the present petition being barred by limitation. The petitioner shall be at liberty to pursue other remedies against the respondent in accordance with law.



7. Consequently, the present contempt petition along with the application stands dismissed without prejudice.

DHARMESH SHARMA, J.

AUGUST 23, 2024

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Signature Not Verified

Digitally Signed By: PRAKASH
KUMAR VATS
Signing Date: 27/08/2024
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