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

+ **CONT.CAS(C) 1530/2024**

SMT. KUSUM GOYAL

.....Petitioner

Through: Mr. Rachit Gupta, Mr. Vinit
Tyagi & Mr. Harsh Sharma,
Advs.

versus

SMT. PAYAL GUPTA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

24.09.2024

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CM APPL. 56210/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner is seeking initiation of contempt proceedings against the respondent for wilful disobedience of the statement and undertaking dated 23.01.2018 recorded in Civil Suit No. 2138/20117 titled as 'Vimal Kumar Goyal v. Praveen'.
4. No one is present for the respondent despite sending advance notice.
5. Learned counsel for the petitioner has urged that the defendant No.1 Mr. Praveen had made a statement on his behalf as well as on behalf of his wife, who was arrayed as defendant No.2 to the effect that they would not create any obstruction in the use of ventilation in the wall of the property of the plaintiffs. It is stated that defendant



No.2 Mr. Praveen has since died and his wife is not adhering to the undertaking.

6. It is the own case of the petitioner that the alleged act of contempt was committed on 22.08.2022 when the respondent allegedly raised construction above the first floor in the property i.e. second floor without obtaining sanction plan from the MCD, and therefore, the petitioner sent a legal notice to the respondent on 23.01.2018.

7. *Ex facie*, since the alleged acts have been committed by the respondent on or about 22.08.2022, hence the present contempt application filed beyond a period of one year from the date of arising of cause of action or alleged wilful disobedience, is barred by Section 20 of the Contempt of Courts Act, 1971.

8. Accordingly, the present contempt petition is dismissed.

DHARMESH SHARMA, J.

SEPTEMBER 24, 2024/sm