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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1625/2024 & CM APPL. 60146/2024**
MRS MANJU KULSHRESTHAPetitioner
Through: Mr. Mridul, Advocate.
versus
MRS INDERPREET KAUR @ PREETI KALSI
.....Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER
% **14.10.2024**

CM APPL. 60145/2024 – EXMP.

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

CONT.CAS(C) 1625/2024 & CM APPL. 60146/2024

3. The petitioner is seeking initiation of contempt proceedings against the respondent-contemnor for the alleged wilful violation of the undertaking/statement recorded *vide* Memorandum of Understanding [“MoU”] in Delhi Mediation Centre, Karkardooma Courts, Delhi on 06.12.2022 by the respondent-contemnor.
4. No one is present for the respondent-contemnor despite sending advance notice.
5. Learned counsel for the petitioner has pointed out that respondent-contemnor had undertaken to make total payment of Rs. 2,00,000/- towards full and final settlement of her account and it was agreed that the same would be paid by her, by way of equal monthly instalments of Rs.10,000/- each for 20 months, payable on or before 10th of each English Calendar month commencing from 10.02.2023.
6. Further, the said amount was agreed to be payable by the



respondent through RTGS/NEFT or any other online mode in the bank account of the petitioner.

7. It was also undertaken that in case there is any default, the respondent-contemnor shall be liable to pay penalty of Rs. 2,000/- over and above the instalment amount and on non-payment of three consecutive defaults, the petitioner shall have the right to recover the entire outstanding amount along with penalty over and above settlement amount.

8. Evidently, no payment has been made by the respondent-contemnor despite the aforesaid undertaking. It is, therefore, clear that three consecutive defaults were committed by the respondent-contemnor by the end of 31.03.2023. The present contempt petition has been filed beyond the period of one year, and therefore, *per se* barred by Section 20¹ of the Contempt of Courts Act, 1971.

9. Needless to state that the wrong committed by the respondent-contemnor was complete upon the non-payment of three consecutive instalments, and it cannot be considered ongoing wilful disobedience to extend the period of limitation.

10. The present contempt petition is accordingly dismissed. However, the petitioner shall be at liberty to recovery the amount with penalty and interest as the case may be, by pursuing other legal remedies in law.

11. The present contempt petition along with pending application stands disposed of.

DHARMESH SHARMA, J.

OCTOBER 14, 2024/sm

¹ **20. Limitation for actions for contempt.**—No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.