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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-28-2020 (O&M)
Date of decision: 30.10.2025

VISHAL SHARMA

..Petitioner

Versus

AARTI

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Ms. Madhu Dayal, Advocate
for respondent.

SUDEEPTI SHARMA, J. (Oral)

1. The present contempt petition has been filed for deliberate and intentional disobedience of settlement/agreement dated 11.09.2017 arrived at between petitioner-husband and respondent-wife.
2. A perusal of the file shows that both the parties, petitioner and respondent have divorced.
3. Learned counsel for the petitioner is alleging disobedience of condition No.6(b) of the settlement/agreement dated 11.09.2017, which is regarding the visitation rights of the petitioner.



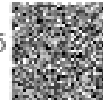
4. Learned counsel for respondent contends that respondent is ready to allow the petitioner to meet the children at her house at Amb, District Una, Himachal Pradesh since her mother has undergone a major surgery, therefore, she cannot bring the children to the place fixed in the settlement/agreement.

5. Learned counsel for respondent further contends that same condition i.e. 6(b) has not been complied with by the petitioner as well since the amount at the rate of Rs.5,000/- quarterly with effect from December, 2017 has not been paid to the respondent-wife after 19.04.2018.

6. Since the petitioner himself has not complied with condition No.6(b) of the settlement/agreement dated 11.09.2017 and filed the contempt petition against the respondent-wife by stating disobedience of the same, this amounts to gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court.

7. Similar matter has already been dealt with by this Court in **COCP-3579-2025** decided on 24.07.2025 titled as “**Payal Chaudhary V/s KAP Sinha IAS and others**”, while placing reliance on the judgments passed by Hon’ble Supreme Court in case titled as “**Dalip Singh V/s State of Uttar Pradesh and others (2010) 2 SCC 114, Subrata Roy Sahara V/s Union of India (2014) 8 SCC 470 and K.C. Tharakan V/s State Bank of India & Ors. Passed in Writ Petition (Civil) Diary No(s).27458/2022**”. The relevant paragraphs of **Payal Chaudhary (supra)** are reproduced as under:-

“9. It is evident that the petitioner has engaged in what can only be described as a frivolous and vexatious litigation spree, seemingly driven by a misplaced sense of grievance. Such conduct constitutes a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases



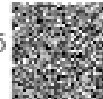
before this Court. The tendency of litigants to misuse the judicial forum by engaging in forum shopping, filing repetitive and meritless petitions, and adopting dilatory tactics undermines the very foundation of our legal system and clogs the administration of justice.

10. The Hon'ble Supreme Court, in ***Dalip Singh Vs. State of Uttar Pradesh and others (2010) 2 SCC 114***, has cautioned against this emerging category of unscrupulous litigants who, devoid of respect for truth, resort to falsehood and unethical practices in their pursuit of relief. The Supreme Court emphatically held that such litigants, who seek to pollute the stream of justice or who dare to touch the fountain of justice with unclean hands, are not entitled to any relief, interim or final. Relevant extracts of the same is reproduce as under:-

“In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. Courts have evolved new principles to curb such abuse, and it is now well established that a litigant who attempts to pollute the stream of justice or touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.”

11. The petitioner's conduct in instituting frivolous litigation has resulted in a gross misuse of the judicial process, thereby squandering the valuable time and resources of this Court. It is imperative, in the interest of justice, that bona fide and timely claims are adjudicated expeditiously, without being impeded by vexatious and unscrupulous litigation. At this juncture, reference may be made to the pertinent observations of the Hon'ble Supreme Court in ***Subrata Roy Sahara v. Union of India (2014) 8 SCC 470***, wherein the Court lamented the pervasive malaise of frivolous litigation afflicting the Indian judicial system. The Hon'ble Apex Court observed as under:-

“The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession towards senseless and illconsidered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the



other side of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part.”

12. *The Hon’ble Supreme Court has consistently emphasized the need to deter frivolous appeals and petitions by imposing exemplary costs on the litigating parties. In Writ Petition (Civil) Diary No(s). 27458/2022 titled as **K.C. Tharakan v. State Bank of India & Ors.** decided on 01.05.2023, the Hon’ble Apex Court held as follows:*

“No legal system can permit a situation wherein a party repeatedly agitates the same issue after it has been conclusively adjudicated by the highest judicial forum. Such conduct amounts to a gross misuse of the judicial process and results in a significant waste of valuable judicial time. Accordingly, the present writ petition is dismissed with costs. However, taking into consideration that the petitioner is a dismissed employee, we deem it appropriate to impose a nominal cost. The writ petition is, therefore, dismissed with costs quantified at ₹10,000/-, to be deposited with the Supreme Court Advocates-on-Record Welfare Fund, to be utilized for the benefit of the SCBA Library.”

8. In view of the above referred to judgments, this Court is firmly of the opinion that the instant petition constitutes a glaring instance of misuse of the judicial process. It is, therefore, incumbent upon this Court to safeguard the sanctity of judicial proceedings and to prevent their exploitation by unscrupulous litigants. The time and resources of this Court are limited and must be reserved for *bona fide* grievances that merit judicial consideration.

9. As a sequel to above discussion, and with intention of conveying a strong deterrent message, this Court deems it just and proper to impose costs upon the petitioner.

10. Accordingly, the present contempt petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only) for filing such kind of



frivolous contempt. The said amount shall be paid by the petitioner within a period of two weeks from the date of this order to the respondent.

11. All the pending miscellaneous applications, if any, are also disposed of.

October 30th, 2025 (SUDEEPTI SHARMA)
Ayub JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No