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

+ **CONT.CAS(C) 451/2024 & CM APPL. 28293/2025, 46283/2025**

MINATIRANI MOHAPATRA,Petitioner

Through: Mr. S.S. Nehar with Mr. Anubhav
Gupta, Advocates.
Petitioner in person.

versus

MAHESH PRASAD MISHRARespondent

Through: Mr. Aditya Yadav, Advocate (through
VC).
Respondent through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **08.08.2025**

1. This hearing has been done through hybrid mode.
2. Vide order dated 05.08.2025, this Court found the respondent to be guilty of contempt of Court within the meaning of Section 2(b) of the Contempt of Courts Act, 1971 and listed the matter for arguments on sentence.
3. Learned counsel appearing on behalf of the petitioner has requested for maximum sentence provided for under Section 12 of the Contempt of Courts Act, 1971. Learned counsel appearing on behalf of the petitioner submits that the conduct of the respondent/contemnor has been duly noted by various Courts to the effect that time and again he evaded compliance of the orders as well as appearing before the courts concerned. Learned counsel appearing on behalf of the petitioner has further drawn the attention of this Court to



affidavit of assets, income and expenditure filed by the respondent/contemnor before the learned Family Court, wherein at serial No. 61, he has shown his real estate to be worth approximately 30 lakhs; at serial No. 64, he has shown his investments to the tune of Rs. 4.5 lakhs; at serial no. 67, he has shown his moveable assets, which includes a car and a motorcycle, and at serial No. 77 he has shown average monthly withdrawal from the bank to be over Rs. 25,000/-. It is submitted that despite the aforesaid means, the contemnor willfully disobeyed the orders passed by learned Family Court as well as this Court. It is further pointed out that the conduct of the respondent/contemnor with respect to his appearance before the Court concerned has also been noted by the learned predecessor Bench of this Court. Vide order dated 14.05.2024, learned predecessor Bench of this Court had noted that the respondent/contemnor remains unserved as he refused to take *dasti* notice and therefore notice was issued through the SHO of the concerned Police Station in Bhubaneswar, Odisha. Attention of this Court was also drawn to order dated 14.05.2024 passed by the learned Single Judge of this Court in CRL.REV.P. 544/2022, wherein it was observed that the conduct of the respondent, i.e., the present contemnor in that case was found to be prima facie amounting to Contempt of Court. Learned counsel for the petitioner further relies upon the following judgments: -

- i. Sonali Bhatia v. Abhivansh Narang, 2021 SCC OnLine Del 5114, paragraphs 8,22, 26, 32, 35 and 38.
- ii. Ridhima Juneja v. Deven Juneja and Ors., judgment dated 08.03.2017 passed by learned predecessor bench of this Court in CONT.CAS(C) 1039/2016.
- iii. Dr. Sangira Manish Ganvir v. Dr. Manish Bapurao Ganvir, 2025 SCC



OnLine Bom 542.

4. Learned counsel for the petitioner submits that maximum punishment, i.e., six months of simple imprisonment be awarded to the contemnor.
5. Learned counsel appearing on behalf of the respondent/contemnor submits that the latter is 43 years old and a government servant. It is further submitted that he is medically unfit and bed-ridden and it is again reiterated on account of him being absent from work on account of his illness, his salary had been stopped by his employer and therefore he could not comply with the orders passed by learned Family Court as well as this Court. He further relies upon documents handed up in Court at the time of hearing of the present petition on 05.08.2025.
6. Heard learned counsel for the parties and perused the record.
7. In the present petition as has already been noted in the order of conviction dated 05.08.2025, the contemnor despite various directions given by this Court did not comply with the same. This Court has already observed in the order of conviction that nothing has been placed on record to show that there was no willful disobedience of the directions passed by learned Family Court as well as this Court. On the other hand, the documents placed on record alongwith present petition including the affidavit of assets, income, and expenditure reflects that respondent had means to comply with the orders.
8. The conduct of the respondent/contemnor is also apparent from the fact that despite various directions, he chose not to appear before the Court. The medical documents relied upon by the counsel for the contemnor were handed up in Court on 05.08.2025. The said documents include a certificate dated 06.05.2025 by one Dr. Laxmipriya Tudu, M.D. (Medicine) on a letter head showing the doctor's office at State Bank of India, Bhubaneshwar, where the



contemnor was posted as Manager. One other document is the discharge summary dated 20.05.2024 from Care Hospital, wherein it has been noted as under:-

“Patient is not co-operating for any investigation & treatment, Hence Patient discharge on request in stable condition.”

9. It is further noted that even on 07.08.2025 during the course of hearing on the point of sentence, the contemnor has not expressed any remorse or shown his intent to clear the dues and again reiterates that he was never married to the petitioner. In fact, on being asked his present address, the contemnor after much reluctance disclosed the same as Flat No. 305, Rupa Apartment, Satyanagar, Bhubaneswar, Odisha and further stated that he is residing there temporarily.

10. This Court is of the considered opinion that the fine of Rs. 2,000/-, will not meet the ends of justice in the present case and therefore, sentence of imprisonment is necessary.

11. In the facts and circumstances of the present case, the contemnor is sentenced to undergo simple imprisonment for a period of 3 months alongwith fine of Rs. 2,000/- and further simple imprisonment for a period of 15 days in default of payment of fine.

12. The contemnor is not appearing before this Court physically and has been appearing through video conferencing. In these circumstances, the contemnor shall surrender before the learned Registrar General of this Court on 12.08.2025.

13. Learned Registrar General of this Court is directed to take the contemnor into custody and forward him to the concerned Jail Superintendent for serving the sentence awarded to him. In case the contemnor fails to



surrender on 12.08.2025, learned Registrar General shall take all necessary steps to ensure that he is taken into custody for serving his sentence.

14. The orders dated 05.08.2025 and 07.08.2025 have been supplied to learned counsel for the respondent under due acknowledgement.

15. Copy of the order of conviction dated 05.08.2025 and order on sentence dated 08.08.2025 be given to the learned counsel appearing on behalf of the petitioner under the signatures of the Court Master.

16. With the aforesaid directions, the present petition is allowed and disposed of accordingly.

17. Copy of the order be sent to learned Registrar General of this Court for necessary information and compliance.

18. Pending application(s), if any, also stand disposed of.

19. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

AUGUST 08, 2025/sn/sp