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

+ **CONT.CAS(C) 888/2024**

SARITA GUPTA

.....Petitioner

Through: Mr. Akhil Mittal, Mr. Vineet Kumar Mishra, Ms. Navita Gupta, Advs. along with petitioner in person.

versus

RICHA GUPTA & ORS.

.....Respondents

Through: Mr. Siddhant Sharma, Adv. for R-1 & R-3.
Ms. Seema Seth, Ms. Muskaan Deswal, Advs for R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

23.05.2025

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1. It is noted from the settlement agreement arrived at before the Delhi High Court Mediation & Conciliation Centre on 9th May 2023 that there are respective actions to be taken by the parties, both petitioner and respondent, which are carefully delineated in the said Mediation settlement.
2. It is up to the parties to comply with the settlement, which now forms a part of the decree by order dated 23rd August 2023.
3. In any event, since it forms a part of decree, it is an *executable decree*, and it is up to the parties to take steps in accordance with law in this regard.
4. The Supreme Court in a recent decision in ***Chaduranga Kanthraj Urs And Anr. v. P. Ravi Kumar And Ors.*** 2024 INSC 957, held that contempt jurisdiction is not to be invoked for execution or enforcement of decrees where alternative legal remedies exist, and can only be exercised in cases of



clear, conscious, and wilful disobedience of explicit directions of the Court.
Relevant paragraphs are extracted as under:

*“1.11 The weapon of contempt will not be used for execution of the decree or implementation of an order for which alternative remedy in law is provided for. The paramount consideration is given to maintain court’s dignity and majesty of law. In **Sudhir Vasudeva Vs. George Ravishekeran (2014) 3 SCC 373** this Court has observed that a Court exercising jurisdiction under the Contempt of Courts Act, 1971 must not travel beyond the four corners of the orders in relation to which contempt has been alleged. That the Court hearing a contempt petition ought to restrict the scope of its enquiry to such directions which are explicit in the judgment or orders of which contempt has been alleged. 1.12 The civil contempt would mean a wilful disobedience of a decision of this Court. What would be relevant is the “wilful disobedience”. Hence, knowledge of having acted in disregard to an order is sine qua non for being proceeded with if there is a deliberate, conscience and intentional act then the jurisdiction can be clutched.”*

(emphasis added)

5. Similarly, in **MDDA Ramky ISBT Ltd. v. Ombir Singh Tomar**, (2019) 16 SCC 541, the Supreme Court held in a situation where the petitioner had already filed Execution Petition before the Competent Court that it is for the petitioner to work out his remedy, namely execution of the final award before the executing court in accordance with law. The Court noted that when regular Execution Petition is pending, it cannot be said that respondent has intentionally violated the order and the Court was not inclined to proceed with the contempt proceedings. Relevant paragraphs are extracted as under:

“4. The petitioner has already filed execution petition



before the competent court to execute the final award passed by the arbitrator. It is for the petitioner to work out his remedy viz. execution of the final award before the executing court in accordance with law. When regular execution petition is pending, it cannot be said that the respondent has intentionally violated the order dated 17-4-2017 [MDDA Ramky ISBT Ltd. v. Ombir Singh Tomar, 2017 SCC OnLine SC 1771].

5. In the above facts and circumstances of the present case, we are not inclined to proceed with the contempt proceedings against the respondent. Contempt is a matter between the court and the alleged contemnor who is alleged to have violated the orders of this Court. The contempt proceedings are dropped and the contempt petition is closed. The respondent is ordered to be released forthwith.”

(emphasis added)

6. Petition is, therefore, disposed of.
7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 23, 2025/ak/tk