



2025:DHC:3946



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

% *Judgment Delivered on: 05.05.2025*

+ **CONT.CAS(C) 1496/2024**

M/S VVA DEVELOPERS PVT LTD THROUGH ITS

AUTHORISED REPRESENTATIVEPetitioner

versus

VINOD TYAGIRespondent

121.

+ **CONT.CAS(C) 1513/2024**

M/S VVA DEVELOPERS PVT LTD THROUGH ITS

AUTHORISED REPRESENTATIVEPetitioner

versus

ADITI TYAGIRespondent

122.

+ **CONT.CAS(C) 1524/2024**

M/S VVA DEVELOPERS PVT LTD THROUGH ITS

AUTHORISED REPRESENTATIVEPetitioner

versus

PARTH CHADHARespondent

123.

+ **CONT.CAS(C) 1525/2024**

M/S VVA DEVELOPERS PVT LTD THROUGH ITS

AUTHORISED REPRESENTATIVEPetitioner

versus



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SIDHARTH TYAGI

.....Respondent

124.

+ **CONT.CAS(C) 2031/2024 & CM APPL. 76024/2024**

VVA DEVELOPERS PVT LTD

.....Petitioner

versus

MONIKA TYAGI

.....Respondent

Appearance:

Counsel for petitioners:

Ms. Sumitra Choudhary, Mr. N.K. Raghav Raman, Ms. Nitya Sharma, Ms. Jasmine Sheikh, Ms. Muskan Rathee and Ms. Bhagyashree, Advs.

Counsel for respondents

Mr. Amarjit Singh Chandiok, Sr. Adv. with Mr. Abhijat, Sr. Adv., Mr. Vidit Gupta, Ms. Jasmeet Kaur, Mr. Taranjeet Singh, Mr. Avinash Kumar Trivedi, Mr. Gaurav Kakkar, Mr. Harshit Jain, Mr. Pradeep Gehlot, Ms. Prachi Maheshwari, Ms. Jyoti Pandey, Ms. Jagriti Kedia, Ms. Gunjan Anand, Mr. Nishant Anand, Mr. Varun Maheshwari, Mr. Vaibhav Sethi, Mr. Bharat Arora, Mr. Gaurav Chauhan, Ms. Akansha Mehta, Mr. Deepak Agarwal, Mr. Harsh Gupta, Mr. Satyam Gupta and Mr. Manan Soni, Advs.
Mr. Arun Kumar Shukla, Mr. Naman Shukla, Mr. Yasharth Shukla, Advs.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J (ORAL)

1. The present petitions have been filed seeking following reliefs:



“a. Punish the Respondent Contemnor with Simple imprisonment for a term of six months and/or fine of Rs. 2000/- for the Contempt committed by him of this Hon'ble Court and the Court subordinate to this Hon'ble Court by deliberate wilful disobedience and fraud played upon the Courts by manipulating and making a mockery of the courts by misleading them, appearing for the parties on both sides, coercing colleagues, misguiding juniors, acting in collusion to subvert the administration of justice, lowering the majesty of the courts by eroding the dignity of the courts indulging into unscrupulous tactics, shaking the confidence of litigants in the justice delivery system and bringing shame to the entire judicial system by acts of perjury, misrepresentation, deceit, Conflict of interest, misappropriation of the Client's assets and misuse of the Client's confidential information thereby breaching the Attorney-Client privilege.

b. Debar the Respondent Contemnor from practicing as an advocate before the Courts where he has represented the for/against the Petitioner Company; and

c. Debar the Respondent Contemnor and his aides from appearing in the Pending matters of the Petitioner Company on behalf of any of the parties before the Courts where he has indulged into gross misconduct and perjury; and

d. Pass an order of Restitution against the Respondent Contemnor being personally liable for the damages as mentioned in the Table B (Appx. 35 Crores) and the same may be reimbursed to the Petitioner Company along with future interest for gross professional misconduct, dereliction of duty and breach of Confidential information violating the Attorney Client Privilege.”

2. On a pointed query posed by the Court to show the wilful disobedience of any judgment or wilful breach of an undertaking given to a court, Ms. Sumitra Choudhary, learned counsel appearing on behalf of the petitioner



invites attention of the Court to the definition of ‘civil contempt’ as mentioned in Section 2(b), which reads as under:

“2(b) “civil contempt” **means** wilful disobedience to any judgment, decree, direction, order, writ or **other process of a court** or wilful breach of an undertaking given to a court;”
(emphasis supplied)

3. Referring to the aforesaid definition, Ms. Choudhary fairly submits that though there is no judgment, decree, direction or order of which wilful disobedience has been alleged in the present petitions, nor there is any undertaking given by the respondents to the Court which has allegedly been breached, however, the present case would fall within the ambit of wilful disobedience of ‘other processes of a court’.

4. She submits that the *vakalatnama* which has been filed along with the petition in CONT.CAS(C) 1496/2024 as Annexure P-8, was filed by the respondents namely, Vinod Tyagi, Madhu Tyagi (wife), Sidharth Tyagi (son) and Ashok Rajagopalan, in O.M.P (ENF.) (COMM.) 56/2018 and filing of the same tantamounts to wilful disobedience of ‘other processes of a court’. Elaborating on her submission, she submits that *vakalatnama* was filed by the aforesaid respondents on behalf of M/s VVA Developers Pvt Ltd, whereas the said respondents along with other respondents namely, Aditi Tyagi (daughter), Parth Chadha (junior associate) and Monika Tyagi (daughter in-law) had also filed their *vakalatnam* as on behalf of other parties who were contesting against the petitioner company.

5. To sum up, she contends that the respondents were the counsel for M/s VVA Developers Pvt Ltd, and had been representing the said company. However, they are now appearing against the said company. She submits that the respondents misrepresented the petitioner before various Courts in



different cases by colluding with the opposite sides and indulged in professional malpractice against the petitioner's interests.

6. The above allegations are, however, refuted by the Mr. Abhijat, learned senior counsel appearing on behalf of the respondents.

7. It is the submission of Ms. Choudhary that filing of *vakalatnama* by the respondents on behalf of M/s VVA Developers Pvt Ltd, the petitioner herein, as well as on behalf of other companies/entities, who are contesting litigation against the petitioner company amounts to wilful disobedience of 'other process of a court'. She further contends that there is a fiduciary relationship between an advocate and his client, which has been breached by the respondents.

8. This Court is of the considered opinion that the said submission of Ms. Choudhary is devoid of merit for the following reason. The 'process of a court' would only include issuance of summons, warrants, notice etc. in a civil or criminal proceedings.

9. There is no definition of 'process' either in the Civil Procedure Code, 1908 ('CPC') or the Criminal Procedure Code, 1973 ('CrPC') (now BNSS, 2023). However, Black's Law Dictionary, eighth edition, defines the 'process' as '*a summons or writ, esp. to appear or respond in court <service of process>*'.

10. To illustrate further, reference may be had to the following provisions of CPC wherein the expression 'process'; 'service of process'; 'issuance of process'; 'avoidance of any process of the court' etc. have been used:

- i. Order III Rule 5 – provides for 'service of process' on pleader as contemplated;
- ii. Order VI Rule 14A – provides for 'service of all processes' in



- the suit or in any appeal;
- iii. Order XXI Rules 22, 24 and 25 CPC – provides for ‘issuing of any process’ in execution of a decree;
 - iv. Order XXVI Rule 17 – provides for ‘issuance of process’ for attendance and examination of witnesses before Commissioner;
 - v. Order XXVII Rule 3 CPC – provides that the Government Pleader in any Court shall be agent of Government to receive ‘process’ against the Government issued by such Court.
 - vi. Order XXIX Rule 2 CPC – provides for ‘service of process on corporation’;
 - vii. Order XXXVII Rule 3 (2) CPC – refers to the manner of service of ‘all summonses, notices and judicial processes’
 - viii. Order XXXVIII Rule 1 CPC – refers to ‘avoidance of any process of the Court’ to delay or obstruct the execution of any decree;
11. The Appendix B of the CPC which provides ‘forms’ for different processes, *inter alia*, includes – ‘summons for disposal of suit’; ‘summons for settlement of issue’; ‘summons to appear in person’; ‘summons/notice for service by advertisement in a newspaper’; ‘summons to witnesses’; ‘proclamation requiring attendance of witness’; ‘warrant of attachment of property of witness’; ‘warrant of arrest of witness’; and ‘warrant of committal’.
12. Likewise, under Bhartiya Nagarik Suraksha Sanhita, ‘processes’ would include – process to compel appearance in the form of ‘summons’¹; ‘warrant

¹Chapter VI- Section 63



of arrest’²; ‘proclamation and attachment’³; ‘processes to compel the production of things including summons to produce documents, issuance of search warrants’⁴; ‘postponement of issuance of process’⁵; ‘issuance of process in the form for summons for the attendance of the accused or issuance of a warrant for causing the accused to be brought or to appear at a certain time before a Magistrate.’⁶

13. Clearly, the ‘process of a court’ includes within its scope only the issuance of summons, notices, warrants etc. issued by a court of law which are ancillary to the functioning of the Court. By no stretch of imagination, wilful disobedience to any ‘process of a court’ could mean or include filing of a *vakalatnama* by an advocate on behalf of his client in a litigation, against the party, whom he is, or had, represented in some other case.

14. The ‘civil contempt’ has been defined to ‘mean’ wilful disobedience to any judgment, decree, direction, order, writ or other ‘process of a court’ or wilful breach of an undertaking given to a court. The law is well settled that where a word is defined to ‘mean’ something, the definition is *prima facie* restrictive and exhaustive. On the other hand, where the word defined is declared to ‘include’ something more, the definition is *prima facie* extensive.⁷

15. Unquestionably, there exists a fiduciary relationship between an advocate and his client, but breach of such relationship will not entail consequences of ‘civil contempt’, though it might furnish a cause of action to the client to avail other remedies against his advocate, in accordance with law.

²Chapter VI- Section 72

³Chapter VI- Section 84

⁴ Chapter VII

⁵ Chapter XVI- Section 225

⁶ Chapter XVII- Section 227

⁷ (2020) 8 SCC 401 : Anuj Jain Interim Resolution Professional for Jaypee Infratech Limited v. Axis Bank Limited



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16. On an overall conspectus of the above discussion, this Court is of the view that no case for civil contempt has been made out in the facts and circumstances of the present petitions.

17. Accordingly, the petitions are dismissed. Consequently, the pending application also stands disposed of.

VIKAS MAHAJAN, J

MAY 5, 2025

N.S. ASWAL