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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 22.01.2026***Judgment delivered on: 19.02.2026***

+ **FAO(OS) 42/2021, CM APPL. 44763/2021 & CM APPL. 19704/2024**

SHALINI CHAUDHARY SHARMA**.....Appellant**

Through: **Mr. Rajat Aneja, Ms. Chandrika Gupta, Advs.**

versus**DEEPIKA TALWAR & ORS.****.....Respondents**

Through: **Mr. Bharat Gupta, Mr. Varun Tyagi, Mr. Ishan, Mr. Vishesh, Advocates for R-1 Mr. Abhishek Bhardwaj, Mr. Deepanshu, Advs. for R-2.**

+ **FAO(OS) 2/2022 & CM APPL. 60472/2024**

DEEPIKA TALWAR**.....Appellant**

Through: **Mr. Bharat Gupta, Mr. Varun Tyagi, Mr. Ishan, Mr. Vishesh, Advocates**

versus**SHALINI CHAUDHRY SHARMA & ORS.****.....Respondents**

Through: **Mr. Rajat Aneja, Ms. Chandrika Gupta, Advs. for R-1. Mr. Abhishek Bhardwaj, Mr. Deepanshu, Advs. for R-2.**

CORAM:**HON'BLE MR. JUSTICE VIVEK CHAUDHARY****HON'BLE MS. JUSTICE RENU BHATNAGAR****J U D G M E N T**



1. The present cross-appeals have been filed under Section 10 of the Delhi High Court Act, 1966, assailing the common order dated 15.11.2021 passed by the learned Single Judge in I.A. No. 7752/2019 and I.A. No. 524/2024 in CS(OS) 110/2016 (hereinafter referred to as the “impugned order”). Since both appeals challenge the same order, they were heard together and are being disposed of by this common judgment.
2. FAO (OS) 42/2021 has been preferred by Shalini Chaudhary seeking setting aside of the impugned order, whereas FAO (OS) 2/2022 has been filed by Deepika Talwar seeking its modification to the extent of directing Shalini Chaudhary to deposit Rs. 8,34,78,309.50/- and to undergo detention in civil prison for a period of three months.
3. For the sake of convenience, Shalini Chaudhary, the Appellant in FAO (OS) 42/2021, shall hereinafter be referred to as the “Appellant”, and Deepika Talwar, Respondent No. 1 therein, shall hereinafter be referred to as “Respondent No. 1”.
4. The present matter arises out of a dispute *inter se* the legal heirs of late Sh. Vinod Chaudhary concerning the validity of an alleged Will dated 18.04.2013 and the consequent administration and distribution of his estate.
5. Briefly stated, the Respondent No. 1 instituted civil suit seeking a declaration that the document propounded as the Will dated 18.04.2013, purportedly executed by her late father, is illegal, null and void, and not binding in law. Consequential relief of partition of the estate has also been sought on the assertion that the deceased died intestate. Appellant, on the other hand, has filed a petition seeking grant of probate/letters of administration in respect of the said Will dated 18.04.2013.



6. *Vide* interim order dated 20.12.2016, this Court directed that the all estate monies to be maintained in maximum interest-bearing form in the same banks. Thereafter, I.A. No. 4445/2016 was filed by Respondent No.1 seeking an injunction restraining Appellant from raising any unsanctioned construction on the first floor of property bearing No. A-1/82, Safdarjung Enclave, New Delhi-110029. Another application was filed by Sujata Mayall, seeking contribution towards the tax liability of the estate and restoration of the movable assets of the deceased.

7. By order dated 30.01.2017, the Court disposed of the aforesaid applications directing the parties to maintain *status quo qua* possession, title and construction of the properties mentioned in Schedule-A to the suit. The Court further directed that all monies belonging to the estate of the deceased, which had been withdrawn and retained by the parties, be kept in maximum interest-bearing accounts and not be utilised without prior leave of the Court.

8. By subsequent orders, Appellant was directed to file affidavits disclosing the monies, securities and other assets received by her from the estate of the deceased, including full particulars of amounts received and its investments. On 20.03.2019, noting repeated non-compliance, this Court directed the personal appearance of Appellant to furnish the requisite documents and/or explanations regarding the money trail. The Court directed that coercive steps would be taken in the event of continued non-compliance.

9. The Appellant thereafter moved an application stating that she had received approximately Rs. 7 crores from the estate, which had appreciated to Rs. 10,44,00,577/- by way of investments, and expressed



her willingness to deposit 50% of the said amount with this Court, subject to the outcome of the proceedings.

10. In *lieu* of the aforesaid application, the Court *vide* order dated 22.04.2019, directed to deposit 50% of the total *corpus* of Rs. 10,44,00,577/-, i.e., Rs. 5,22,00,288.50, with this Court, to be kept in a maximum interest-bearing account. By order dated 27.05.2019, while holding that the controversy regarding disclosure of details pursuant to the earlier order dated 21.08.2018 continued, this Court appointed a Local Commissioner to furnish a report tracing the complete trail and chain of movement of the mutual funds, bank accounts and other assets listed in Schedule-A to the suit.

11. Subsequently, *vide* order dated 03.12.2019, this Court recorded that the Appellant had a total *corpus* of Rs. 10,44,00,577/-, out of which 50% had been deposited with the Court pursuant to earlier directions; however, she had withdrawn a sum of Rs. 1.67 crores from the remaining *corpus* without obtaining leave of the Court, and was accordingly held *prima facie* liable for violation of the order dated 30.01.2017.

12. In furtherance thereof, Respondent No. 1 filed applications under Order XXXIX Rule 2A CPC, seeking to hold Appellant guilty of wilful disobedience of the *interim* order dated 30.01.2017. The aforesaid applications were disposed of by learned Single Judge *vide* the impugned order dated 15.11.2021, leading to filing of the present cross-appeals.

13. By way of the impugned order, the learned Single Judge held that Appellant had breached the said directions by investing estate funds in mutual funds, effecting withdrawals for personal expenses including jewellery, travel and legal fees, and failing to make full and proper



disclosures. The Court concluded that even though the Appellant has deposited of 50% of the total *corpus* of Rs. 10,44,00,577/-, pursuant to order dated 22.04.2019, it did not absolve the violation, and accordingly held her guilty of contempt of the order dated 30.01.2017.

14. Consequently, in order to safeguard the entire amount of the *corpus*, directions were issued to the Appellant to deposit Rs. 2.33 crores, part of total *corpus* held in the mutual funds, with the Registrar General within two weeks; attaching Shop No. 18, Ground Floor, Mansarovar Building, 90, Nehru Place, New Delhi which was stated to be tentatively valued at Rs. 2 crores, with a direction to deposit title documents and furnish valuation; attaching the fixed deposit of Rs. 64.35 lakhs in the name of Smt. Joan Chaudhary at ICICI Bank, South Extension; directing her to file an affidavit tendering unconditional and unqualified apology; and to disclose her movable and immovable assets, with liberty to revive proceedings in the event of non-compliance.

15. The impugned order has been assailed by the Learned counsel for the Appellant submitted that no prejudice has been caused to the estate of late Shri Vinod Chaudhary, as the Appellant has substantially complied with the directions of the Court by depositing a sum of Rs. 5,22,00,288/—, representing 50% of the declared *corpus*, with the Registry in terms of the order dated 22.04.2019, thereby securing the interests of all co-sharers pending final adjudication of the dispute.

16. It is further contended that the Appellant, a housewife with no independent source of income or spousal support, bears sole responsibility for the maintenance and upbringing of her minor child, and the expenditure incurred from the estate funds was towards essential



living and welfare needs under a *bona fide* belief that such utilisation was permissible. The Appellant had disclosed all transactions and tendered an unconditional apology, which ought to have been considered in mitigation. The learned Single Judge also proceeded to determine the contempt applications without first deciding the Appellant's application seeking modification and regularisation of withdrawals. In these circumstances, the finding of wilful disobedience and the coercive directions issued thereunder warrant interference in appellate jurisdiction.

17. Learned counsel for the Respondents submits that the Appellant is in clear and wilful breach of the order dated 30.01.2017, which expressly mandated that estate funds be retained in maximum interest-bearing accounts and not utilised without prior leave of the Court. In disregard of this unequivocal direction, the Appellant invested the funds in mutual instruments and withdrew substantial amounts for personal expenses without permission. Such conduct, it is contended, amounts to deliberate disobedience and cannot be justified as *bona fide*.

18. It is further argued that the subsequent deposit of 50% of the *corpus* does not obliterate the completed breach, as contempt stands attracted the moment the order is violated. The Appellant's failure to furnish a complete money trail despite repeated directions reinforces the finding of non-compliance. The impugned directions, it is submitted, are proportionate measures within the scope of Order XXXIX Rule 2A CPC to secure the estate and enforce compliance.

19. We have heard the learned counsel for the parties and perused the record.



20. The question that arises for consideration is whether the learned Single Judge was justified in holding the Appellant guilty of wilful disobedience of the order dated 30.01.2017 and passing such coercive directions under Order XXXIX Rule 2A of the CPC.

21. It is well settled that the object of proceedings under Order XXXIX Rule 2A CPC is primarily to secure obedience to the Court's orders and to protect the subject matter of the suit. At the same time, Order XXXIX Rule 2A CPC vests discretion in the Court as to the nature of the consequences to be imposed. The object is to secure compliance and preserve the subject matter of the dispute, and not to impose punitive consequences beyond necessity. Furthermore, when a party, fully aware of a clear and operative direction, consciously chooses to act contrary to it, the breach is complete. Subsequent restitution or partial compliance thereof may be relevant for mitigation, but it does not undo the earlier disregard of the Court's mandate.

22. The record reveals that the order dated 30.01.2017 clearly mandated that all monies belonging to the estate of late Sh. Vinod Chaudhary, withdrawn and retained by the parties, be kept in maximum interest-bearing accounts and not be utilised without prior leave of the Court. The direction was unambiguous and incapable of multiple interpretations. It is not in dispute that the Appellant invested portions of the estate funds in mutual fund and effected withdrawals towards personal expenses without obtaining prior permission of the Court. The subsequent direction dated 22.04.2019 requiring deposit of 50% of the *corpus* did not dilute, modify or supersede the earlier restraint.



23. The submission that no prejudice has been caused to the estate does not exonerate the breach. The deposit of Rs. 5,22,00,288.50 pursuant to order dated 22.04.2019 may secure a portion of the *corpus*, but does not withdraw the violation already committed.

24. The plea of *bona fide* belief and personal necessity is also unpersuasive in the peculiar facts of the present case. The record reflects repeated directions to maintain the estate funds intact and to furnish complete disclosures. Persistent non-compliance necessitated the personal appearance of the Appellant and the appointment of a Local Commissioner to trace the movement of funds. In such circumstances, the finding of wilful disobedience recorded by the learned Single Judge cannot be characterised as either perverse or unsustainable.

25. Moreso, the directions issued by the learned Single Judge, including deposit of Rs. 2.33 crores, attachment of immovable property and fixed deposits, and disclosure of assets, are essentially coercive and protective in nature, intended to safeguard the estate pending final adjudication of the dispute. The coercive object of Order XXXIX Rule 2A, thus, stands substantially achieved. In these circumstances, the extreme measure of civil imprisonment, as prayed for by the Respondent No. 1, is neither necessary nor warranted.

26. Having regard to the magnitude of the estate and the admitted withdrawals, this Court is of the opinion that the said directions are proportionate and within the contours of Order XXXIX Rule 2A CPC.

27. In view of the foregoing, no ground is made out warranting interference with the impugned order dated 15.11.2021. Furthermore, while the finding of wilful disobedience is sustained, it is clarified that no



further coercive step in the nature of civil imprisonment shall be taken so long as the Appellant complies with the directions issued by the learned Single Judge.

28. Consequently, FAO(OS) 42/2021 and FAO(OS) 2/2022 are dismissed. All pending applications also stand disposed of. The parties shall remain bound by the directions contained in the impugned order.

29. The Appellant is granted four (4) weeks' time from today to comply with the directions contained in the impugned order dated 15.11.2021, to the extent the same remain uncomplied with. In the event of non-compliance within the aforesaid period, it shall be open to the Respondents to seek appropriate remedies in accordance with law.

30. There shall be no order as to costs.

(VIVEK CHAUDHARY)
JUDGE

(RENU BHATNAGAR)
JUDGE

FEBRUARY 19, 2026/ht/kp