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

+ CONT.CAS(C) 429/2021

SONALI BHATIA

..... Petitioner

Through: Ms. Priya Hingorani, Sr. Adv. with
Mr. Himanshu Yadav, Anirudh
Jamwal and Meghna Sharma, Advs.

versus

ABHIVANSH NARANG

..... Respondent

Through: Mr. Sarthak Maggon, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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06.12.2021

C.M. Nos. 43646-47/ 2021

Exemptions allowed, subject to all just exceptions. The applications stands disposed of.

C.M. No. 43645/ 2021

1. The respondent has moved this application to seek modification of our order dated 25.11.2021 to the extent of setting aside and/ or recalling the punishment of simple imprisonment for a term of 3 months awarded to him.
2. We had found the respondent guilty of civil contempt by our detailed judgment dated 25.11.2021. We had granted him two weeks time to make the payment due from him to the petitioner so as to avoid the punishment of civil imprisonment. The respondent has filed this application now to say that he has been able to gather only an amount of Rs.3,20,000/- which he is willing to tender to the petitioner. He has himself set out in the application that amount due from him as on 07.12.2021, is Rs.14,75,000/-.
3. In our aforesaid judgment, we have, in detail, enlisted the conduct of

the respondent/ applicant in suppressing information called from him repeatedly. His stance taken before us was that of defiance. He has not made disclosure of several bank accounts held by him. On the one hand, he claimed to have advanced loans to his parents of huge amounts, on the other hand he claimed that he does not have money to pay maintenance due to the petitioner wife. He obtained loans from banks in his name which he claimed were for the benefit of his father. Those loan accounts were settled. He did not make a disclosure as to how those accounts were settled and claimed that his father had settled those accounts. He filed an affidavit of his father saying that he is not willing to share any particulars with the Court. In these circumstances, we were left with no option but to draw an adverse inference against the respondent. Even while filing this application, the respondent has not made a clean breast, and not come to the Court with a complete and full disclosure of the information suppressed by him. He claims that one policy taken by him from LIC had matured on 28.11.2021, and after adjustment of dues payable to the bank, he is left with Rs. 2,70,000/- which he is willing to part with and pay to the petitioner.

4. In paragraph 14 of his application, he, inter alia, states that “*The Respondent has a primary responsibility towards his employees and exclusive dealers (who only sell the produce packaged by the Respondent) for their continued faith and the possible shut down of the establishment shall destroy several families. It is most humbly requested that this Hon’ble Court may be pleased to consider the legitimate request of the Respondent for deferring and recalling any action which may adversely affect the liberty of the Respondent for the collective good of his employees, dealers as also the Petitioner/ wife.*”

5. We may notice that during the proceedings, we had taken note of the fact that the respondent was maintaining a reasonably healthy bank balance, and yet he did not pay the monthly maintenance due to the petitioner wife. Even then his stance was that he needs money for his business.

6. Learned counsel for the respondent applicant states that he may be granted 6 months time to clear the outstanding arrears. He states that he is carrying a Demand Draft in favour of the petitioner for an amount of Rs.3,20,000/-.

7. Even today, the respondent stands before us without making a full and complete disclosure, and without expressing his willingness to clear the outstanding arrears within a reasonable time – say a week or so and with the undertaking that he would continue to pay the maintenance fixed punctually henceforth. We do not find even a tinge of remorse or apology in his application, and the tenor of his application is completely devoid of the same. Had the respondent applicant been remorseful and apologetic, he would have fallen in line and, at least, now – when he is faced with civil imprisonment, would have got off the high horse he is sitting on, and come to the Court with clean hands. However, that is not the case. We may also note that he was required to surrender his passport. Even that has not been surrendered till date.

8. In these circumstances, we find no merit in this application, and the same is accordingly dismissed.

VIPIN SANGHI, J

JASMEET SINGH, J

DECEMBER 06, 2021/N.Khanna