

# Kumud Grover vs Sanjay Grover on 8 December, 2021

**Author: Najmi Waziri**

**Bench: Najmi Waziri**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CONT.CAS(C) 861/2020  
KUMUD GROVER

Through: Mr. Mohit Jolly, Adv

versus

SANJAY GROVER

Through: Mr. Rahul Shukla, Adv

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI  
ORDER

% 08.12.2021 The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned counsel for the petitioner submits that earlier today, the petitioner has received Rs.1,50,000/-. She is still owed an amount of Rs.1,95,000/- by the respondent.

2. The respondent is not present in court. There is no explanation as to why the monies have not been paid, despite opportunities having been given to him as noted in the previous order dated 09.08.2021, which reads as under:

"...

1. Under the directions of the learned Family Court, the respondent was to pay certain monies as maintenance to the petitioner - his estranged spouse.

2. On 04.02.2021, the following order was passed by this court:

"The hearing was conducted through video conferencing.

1. The joint account of the parties in Oriental Bank of Commerce, Mall Road, Kingsway Camp Branch, Delhi, has been frozen at the petitioner's behest. It has a credit of approximately Rs.1.5 lakhs, which was deposited by the respondent/husband. The latter states that the same was through legitimate means and in any case, since the money was deposited by him, without the knowledge of the wife, the wife cannot be held liable for any legal proceedings which may ensue as a result of the said deposit. The husband needs the money to pay the petitioner/wife

for her rental accommodation, in terms of the order dated 15.02.2018 passed by the learned Family Court. The respondent has no objection if the said money is appropriated towards the arrears for rental from February 2020. Including the month of February 2021, the outstanding amount is Rs.1,95,000/-.

2. In view of the preceding submission on behalf of the respondent, the monies will be appropriated by the petitioner/wife towards arrears of rent in terms of the aforesaid order.

3. The respondent will file an affidavit in terms of the above, that the monies deposited in the joint account were through legitimate means and he will be solely responsible for any legal proceedings or enquiry with respect to the same. Let the affidavit be filed in a week's time. The respondent shall also assist the Bank in removing the freeze on the joint bank account and submit such application as may be necessary, for appropriation by the petitioner/wife of the monies lying therein.

4. The learned counsel for the petitioner states that expenses have been incurred for this petition and costs may be imposed upon the respondent.

5. The case was passed over for the learned counsel for the respondent to obtain instructions. The respondent is still in default of Rs.45,000/-. The learned counsel for the respondent states, upon instructions, that the respondent is unable to pay the remaining arrears. There is a clear breach of the Court's orders.

6. Issue notice of contempt against the respondent. The learned counsel named above accepts notice on behalf of the respondent.

7. Reply, if any, be filed before the next date.

8. List on 23.04.2021.

9 The order be uploaded on the website forthwith."

3. On 08.07.2021, the following order was passed:

"The hearing has been conducted through video conferencing.

1. The learned counsel for the petitioner submits that there is non-compliance of the previous order. The respondent did not appear before the Oriental Bank of Commerce, Mall Road, Kingsway Camp Branch, Delhi, for release of monies in favour of the petitioner. He further submits that as of that date, Rs. 1,95,000/- was outstanding. Now, the same has increased to Rs.2,70,000/-. The petitioner has no accommodation of her own. She is estranged from the respondent-husband and is facing extreme difficulty in making her ends meet.

2. None appears for the respondent.

3. Issue court notice (without process fee) to the respondent through ordinary process, approved courier, Speed Post, WhatsApp, e-mail, SMS, Signal and other viable modes of electronic service, through counsel as well, returnable on 19.07.2021.

4. The order be uploaded on the website forthwith."

4. Till date, no monies have been paid by the respondent in terms of the above nor has the money, lying deposited in the joint account, been released into the petitioner's account.

5. The respondent is in clear breach of the court's directions.

He has, prima facie, committed contempt of court.

6. The respondent is present in the Court.

7. Issue notice to the respondent, to show-cause why proceedings be not initiated against him for committing contempt of Court. The court is cognizant of the earlier notice of 04.02.2021, whereunder time to file a reply was given in para.

8. The learned counsel named above accepts notice on behalf of the respondent. Reply/compliance affidavit be filed in 2 weeks. Rejoinder thereto, if any, be filed before the next date.

9. List on 07.09.2021.

10. In the interim, it will be open to the respondent to mitigate his circumstances as well as the petitioner's financial constraints.

..."

3. It is admitted by the learned counsel for the respondents that there subsists an order in CC No. 6505/2017 dated 15.02.2018 by the Mahila Court titled Kumud Vs. Sanjay Grover, which directs the respondent to pay an amount of Rs.15,000/- per month towards an alternate accommodation.

4. The aforesaid order has not been complied with; the respondent is in clear contempt of the court's directions and is so held guilty.

5. Let the respondent be present in court on the next date, for orders on sentencing.

6. List on 02.02.2022.

7. It will be open to the respondent to mitigate his circumstances by paying the requisite monies.

NAJMI WAZIRI, J DECEMBER 8, 2021 SS