

MISC DJ ASJ No. 562-2021
SHIVANI GAUR Vs. GAURAV KUMAR SHARMA
CNR No. DLSW01-012728-2021

20.07.2026

Present: None for the applicant/ complainant, since morning, despite calls.
None for the accused/ contemnor.

This is an application filed by the applicant/complainant Shivani Gaur under Section 12 of the Contempt of Courts Act, 1971, alleging willful and deliberate non-compliance by the respondent/non-applicant Gaurav Sharma of the order dated 30.11.2021 passed by the then Ld. ASJ-SFTC, Dwarka Courts, New Delhi.

The grievance raised in the application is that vide order dated 30.11.2021, the respondent/non-applicant was directed to return to the complainant a sum of ₹5,00,000/-, stated to have been received by him through demand draft, along with the admitted dowry articles, within a period of three days. It was alleged that the said direction was not complied with, resulting in filing of the present contempt application. The relevant portion of the order dated 30.11.2021 passed by Ld ASJ concerned is reproduced hereunder:-

“...Be that as it may. The applicant is directed to refund the amount of Rs. 5 lakhs which was received by him by way of demand draft, along with admitted list of dowry articles within three days from today...”

During the pendency of the present proceedings, it was brought to the notice of the Court that the respondent/non-applicant had challenged the order dated 30.11.2021 before the Hon’ble High Court of Delhi by way of Crl. M.C. No.

3262/2021. Consequently, the present application of the applicant/ complainant was kept pending awaiting the outcome of the said proceedings. Copies of the orders passed in the aforesaid petition were also placed on record.

The Ahlmad attached with this court today has now reported that Crl. M.C. No. 3262/2021 was disposed of by the Hon'ble High Court of Delhi vide order dated 04.11.2025. A copy of the said order, downloaded from the official website of the Hon'ble High Court has also been placed on record.

Perusal of the order dated 04.11.2025 passed by the Hon'ble Delhi High Court shows that the Hon'ble High Court recorded that the admitted dowry articles had already been handed over to the complainant on 02.12.2021. Insofar as the direction for return of ₹5,00,000/- was concerned, the Hon'ble High Court held that bail proceedings could not be converted into recovery proceedings and that the imposition of such a condition was not warranted. *Accordingly, the said condition was deleted.* The relevant portion of the order of the Hon'ble Delhi High Court reads as under:

*“...4. It is on record that whatever were the admitted dowry articles have been handed over to the Complainant on 02.12.2021. In so far as the return of the amount of ₹5 lakhs is concerned, the Bail is not the recovery proceeding and cannot be termed as a finding that this amount was recoverable by the Petitioner. Such conditions are not warranted while granting Bail. Therefore, the condition so imposed is hereby deleted.
5. The Petition is accordingly allowed and stands disposed of along with the pending Application(s)...”*

It is further worth noting that none has been

appearing on behalf of either party since April 2023. Even today, despite service of the Court notice, none has appeared for the applicant/complainant or for the respondent/non-applicant.

The present contempt application was founded upon the alleged non-compliance of the direction contained in the order dated 30.11.2021 regarding refund / return of the amount of Rs. 5 lacs by the respondent / non applicant to the applicant/complainant. The said direction relating to payment/refund of ₹5,00,000/- has been expressly deleted by the Hon'ble High Court of Delhi vide order dated 04.11.2025. Thus, there is presently no subsisting direction regarding payment of ₹5,00,000/- capable of enforcement through the present proceedings or for initiating any contempt proceedings regarding the non compliance of the same, as once the very condition whose breach was alleged has been set aside, no question of continuing contempt proceedings on the basis of its non-compliance survives.

Accordingly, nothing further survives for adjudication in the present contempt application. The same is disposed of as infructuous.

File be consigned to the Record Room after due compliance.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/20.07.2026