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

+ **CONT.CAS(C) 699/2019**

PUSHPA GUGLANI

..... Petitioner

Through: Petitioner in person.

versus

AMIT GUGLANI

..... Respondent

Through: Mr. R. K. Tarun, Adv. alongwith
respondent in person.

Dr. Satendra Katoch, Medical Director
and Dr. Ajay Yadav, Treating Consultant,
Sir Ganga Ram Hospital (Through VC)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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09.11.2022

1. Vide order dated 25.07.2022, it was noted that, *prima facie*, the respondent is in contempt of the directions contained in judgment dated 24.07.2017, passed by the Principal Judge, Family Court, Karkardooma Courts, East District, Delhi in Execution Petition no.610/2014. The said order dated 25.07.2022 reads as under:-

“1. The petitioner alleges continuous and flagrant violation of the directions contained in the judgment dated 24.07.2017, passed by the Principal Judge, Family Court, Karkardooma Courts, East District, Delhi.



2. *Ms. Krishna Malik, appears in person who claims to be the cousin of the respondent and submits that the respondent is hospitalized. She has produced a medical certificate dated 20.07.2022 issued by Sir Ganga Ram Hospital. The same is taken on record.*

3. *Prima facie, the respondent appears to be in gross contempt of the directions contained in judgment dated 24.07.2017, however, in lieu of the adjournment sought on medical ground, further orders are being deferred.*

4. *List for further consideration on 22nd August, 2022.*

5. *Respondent is directed to remain present in person on the next date of hearing.”*

2. Vide the aforesaid order dated 25.07.2022, the respondent was clearly directed to remain personally present in Court on the next date of hearing i.e. 22.08.2022.

3. On 22.08.2022, it was stated by learned counsel for the respondent, on instructions, that the respondent could not appear before the Court as he was admitted in Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi. The order dated 22.08.2022 reads as under:

“ Learned counsel for the respondent submits that the respondent could not appear in Court today as he is admitted in Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi. It is further submitted that the toe of the respondent is to be amputated.

Let notice be issued to the Medical Superintendent and the Medical Director, Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi, with the direction to the hospital to file an affidavit setting out the medical condition of the respondent, the duration of hospitalization of the respondent and the treatment prescribed. Let the medical/hospitalization reports of the



*respondent be also produced in Court.
List on 5th September, 2022.”*

4. Today, Dr. Satendra Katoch, Medical Director and Dr. Ajay Yadav, Treating Consultant, Sir Ganga Ram Hospital, who appear virtually, have informed the Court that, in fact, the respondent was not admitted in Sir Ganga Ram Hospital on 22.08.2022. He was hospitalized only during the period from 28.06.2022 to 04.08.2022. It is evident that a false statement was made on 22.08.2022 before the court to the effect that the Respondent was hospitalized on the said date. The conduct of the Respondent in making a false statement to this Court is most reprehensible and unfortunate and clearly shows scant regard for the dignity of the court, and the due process of law.
5. Apart from the aforesaid aspect, there is utter non-compliance with subsisting directions, including directions contained in the order dated 29.08.2018 passed by the Supreme Court in Criminal Appeal Nos. 1090 – 1092 of 2018, regarding payment of maintenance to the Petitioner.
6. The petitioner, in person, informs the court that the arrears of maintenance and penalty thereon, payable by the respondent to her is to the tune of Rs.4,50,000/-.
7. Learned counsel for the respondent seeks an adjournment on the ground that a copy of paper book is not available with the respondent. Let the same be supplied by the petitioner to the respondent within a period of two days from today.
8. Let the petitioner also supply a calculation sheet setting out the computation of the arrears payable by the respondent to her, also taking into



account the amount already paid by the respondent to the petitioner. Let the same be also supplied to the respondent within a period of two days.

9. Since the petitioner appears in person, Ms. Prabhsahay Kaur, Advocate is appointed as Amicus Curiae in the present matter to assist the court.

10. List on 11.11.2022 at 2.30 PM.

11. The respondent is directed to remain personally present in Court on the next date of hearing.

12. Since the matter has been adjourned on various previous occasions, on account of the respondent, cost of Rs.5,000/- is imposed on the respondent which is directed to be paid to the petitioner by the respondent before the next date of hearing.

SACHIN DATTA, J

NOVEMBER 9, 2022/ssc