



2026:DHC:5941



\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 24.07.2026**

+ CONT.CAS(C) 532/2019

RAMESH CHAWLA

.....Petitioner

Through: Mr. Sameer Chandra, Mr. Shubham Parashar, Mr. Aryan Tomar and Mr. Fahad Zia, Advocates along with Petitioner in person.

versus

DR MOHAD SABIR KHAN

.....Respondent

Through: Mr. Noor Alam, Advocate along with Respondent/Contemnor in person.

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

%

JUDGEMENT (Oral)

1. The present Petition, filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Section 151 of the Code of Civil Procedure, 1908, alleges willful disobedience of the **Order dated 28.08.2018¹** passed by this Court in the case, being RFA 169/2016, titled as "*Dr. Mohd. Sabir Khan vs. Ramesh Chawla*", whereby the Respondent had undertaken to satisfy the decretal amount on or before 28.02.2019.

2. The Respondent/Contemnor is present in person before this Court along with learned counsel appearing on his behalf. Both candidly submit that the undertaking recorded by this Court in the

¹ Subject Order



2026:DHC:5941



Subject Order has not been complied with and that the decretal amount still remains unpaid.

3. This Court had, while issuing Notice in the present Contempt Petition, *vide* Order dated 04.04.2025, noticed the relevant factual background in the following terms:

“ORDER
04.04.2025

1. The present petition has been filed by the petitioner praying for initiation of contempt proceedings against the respondent for having committed contempt of order dated 28.08.2018.
2. The petitioner appearing in person submits that he had filed a suit for recovery under Order XXXVII CPC which was decreed *vide* judgment dated 24.11.2015 for an amount of Rs.9 Lacs with *pendente lite* and future interest on the principle amount @12% p.a. from the date of filing of the suit till the date of passing of decree.
3. Against the said decree and judgment, the respondent had preferred an Appeal being RFA 169/2016. However, on 28.08.2018, the appellant withdrew the said Appeal and prayed that appellant be granted six months' time to pay the decretal amount. Accordingly, while disposing of the said appeal, as not pressed, this Court had granted time to the respondent to make payment of the decretal amount on or before 28.02.2019.
4. He submits that subsequently, in the disposed of RFA 169/2016 an application was also made by the respondent seeking extension of time. The said application also came to be dismissed *vide* order dated 08.09.2019. He submits that despite the direction of this Court to the respondent to make payment of decretal amount on or before 28.02.2019, the respondent has not paid any amount to the petitioner.
5. The learned counsel, appearing on behalf of the respondent submits that a decree has been obtained by the petitioner on the basis of fraudulent documents. However, this Court does not find favour with the submission of the learned counsel for the respondent inasmuch as in the contempt petition, this Court cannot go beyond the order/judgment of which contempt is alleged. This plea was available to the respondent only before the Appellate Court, but as noted above, the appeal preferred by the respondent was withdrawn *vide* order dated 28.08.2018.
6. Mr. Gulshan Kumar Malhotra, learned counsel appearing for the respondent submits that the address given in the affidavit of the respondent, i.e., 8, Praveen Devi Ashram Complex, Krishna Park, New Delhi-110062 is the correct address of the respondent. On a query posed by the Court he further submits that the mobile



2026:DHC:5941



number of the respondent is 9953537582.

7. In view of the aforesaid circumstances, this Court is *prima facie* of the view that respondent is guilty of contempt of the order dated 28.08.2018 passed in RFA 169/2016 by this Court.

8. Issue notice to respondent as to why he should not be held guilty of having committed contempt of court under Section 2(b) read with Section 11 and 12 of the Contempt of Court Act.

9. Respondent is directed to remain physically present in Court on the next date of hearing.

10. List on 07.05.2025.”

4. At this juncture, this Court specifically queried the Respondent as to why the undertaking recorded by this Court in Subject Order had not been honored. In response, both, the Respondent as well as his learned counsel reiterated their contention that the decree sought to be enforced had been obtained by practicing fraud, and on the basis of fraudulent documents.

5. ***Per contra***, learned counsel appearing on behalf of the Petitioner submits that the undertaking recorded by this Court dates back to 28.08.2018 and has remained uncompiled with for over seven years.

6. It is further submitted that the only defense consistently sought to be raised by the Respondent is that the decree was allegedly obtained by fraud, a contention which is wholly impermissible in contempt proceedings.

7. Learned counsel further submits that even the Reply filed by the Respondent on 02.04.2025 does not disclose any financial inability to comply with the undertaking. On the contrary, the sole defense taken therein pertains to the alleged fraud in obtaining the decree.

8. This Court has considered the submissions advanced on behalf of the parties.

9. This Court takes note of the fact that the undertaking recorded



2026:DHC:5941



by this Court as reflected in the Subject Order has, admittedly, not been complied with till date. Equally, no legally sustainable explanation has been furnished by the Respondent for such non-compliance.

10. The sole defense sought to be urged pertains exclusively to the correctness of the decree and alleged fraud played upon by the Petitioner upon the Respondent/Contemnor to obtain the said decree.

11. The aforesaid submission cannot detain this Court for long. As already observed by this Court in the Order dated 04.04.2025, the validity of the decree cannot be gone into while exercising contempt jurisdiction. The Respondent/Contemnor had ample opportunity to assail the decree in appropriate proceedings.

12. The Appeal preferred by him came to be withdrawn on 28.08.2018 after seeking time to satisfy the decretal amount, and subsequently, an Application seeking extension of time was also declined *vide* Order dated 08.04.2019.

13. The contention of the Respondent/Contemnor and his counsel is that the Respondent/Contemnor has already undergone simple imprisonment of two months in terms of Order dated 14.05.2025 passed by the Executing Court and that this Court need not proceed to punish the Respondent/Contemnor any further.

14. This Court takes note that contempt proceedings are distinct from execution proceedings and the two cannot be conflated. This is in consonance with the various Judgements of the Hon'ble Supreme Court whereby the same has been succinctly observed, *inter alia*, in ***Bank of Baroda vs. Sadrudin Hasan Daya & Anr.***². The relevant paragraph thereof, being Paragraph No. 14, is reproduced herein under

² (2004) 1 SCC 360



for ready reference:

“14. The respondents had filed consent terms in this Court but the same contained an undertaking that they would not alienate, encumber or charge the properties to anyone until the decree was satisfied. Acting upon this undertaking the consent terms, this Court passed the decree whereunder the respondents (defendants) were given the facility of depositing the amount in eight quarterly instalments commencing from 1-11-1999 to 1-8-2001. This Court, therefore, put its imprimatur upon the consent terms and made it a decree of the court. The violation or breach of the undertaking which became part of the decree of the court certainly amounts to contempt of court, irrespective of the fact that it is open to the decree-holder to execute the decree. Contempt is a matter between the court and the alleged contemner and is not affected in any manner by the rights or obligations of the parties to the litigation inter se.”

(Emphasis supplied)

15. Evidently, the Respondent/Contemnor has failed to honor the undertaking furnished to this Court. The Reply filed in the present contempt proceedings also fails to inspire confidence of this Court insofar as it does not disclose any *bona fide* or legally sustainable explanation for such non-compliance. The only defense consistently sought to be urged is that the decree sought to be enforced was obtained by fraud. Significantly, even upon a specific query put by this Court to the Respondent/Contemnor, appearing in person, no explanation other than the aforesaid plea was forthcoming.

16. As already noticed in the Orders passed by this Court, the aforesaid contention cannot constitute a valid basis for not complying with the undertaking furnished to this Court. In any event, this contention was raised in the Appeal, which has since been rejected and the Executing Court has also proceeded against the Respondent/Contemnor.

17. At this stage, this Court also considers it appropriate to extract



2026:DHC:5941



the Written Submissions filed by the Respondent/Contemnor, as late as on 14.10.2025. The same reads as follows:

“WRITTEN SUBMISSIONS ON BEHALF OF THE RESPONDENT (JD).

1. That the present contempt petition has been filed by the Decree Holder (DH) alleging non-compliance of the decree/order dated 24.11.2015 passed by the learned Sh. Devender Kumar Jangala Tis Hazari court which itself is now being challenged after getting actual documents from sub registrar office as the present decree has been obtained by fraud using absolutely forged documents.
2. That the answering Respondent (JD) most respectfully submits that he has already undergone civil imprisonment for 60 days as per order dated 24.05.2025 passed by the learned Executing Court. The said period has been completed in full compliance with law.
3. “That in view of the settled law laid down by the Hon'ble Supreme Court, once a judgment-debtor has undergone the maximum permissible period of civil imprisonment under Order 21 Rule 3 2(1) & (3) read with Section 51 (c) CPC, no further custody or punitive action can be ordered in contempt jurisdiction for the same alleged disobedience.”
4. Reliance is placed upon the following binding precedents:
 - (i) Rama Narang v. Ramesh Narang, (2006) 11 SCC 114 - holding that contempt jurisdiction cannot be exercised to enforce a decree beyond the limits of the Civil Procedure Code.
 - (ii) Rama Dayal Markarha v. State of M.P., AIR 1978 SC 921 - where the Hon'ble Supreme Court held that the period of imprisonment under civil process is limited and cannot be repeatedly invoked for the same cause.
 - (iii) T. Sudhakar Prasad v. Govt. of A.P., (2001) 1 SCC 516- reiterating that contempt jurisdiction cannot be invoked as a substitute for execution.
5. That the decree/order in question was obtained by playing fraud upon the trial court by the Decree Holder by using forged and fabricated documents, which vitiates the entire judicial process. It is well-settled that "Fraud vitiates all judicial acts and orders"- (A.V. Papayya Sastry v. Govt. of A.P., (2007) 4 SCC 221).



6. That the Respondent shall initiate appropriate proceedings before the Hon'ble High court for setting aside the said fraudulent decree and for taking action against the DH for forgery and perjury.

7. That the contempt jurisdiction of this Hon'ble Court cannot be used to re-punish or extend imprisonment for the same alleged disobedience, particularly when the Respondent has already suffered 60 days imprisonment as per the trial court's order.

8. That the Respondent has at no stage willfully disobeyed any lawful order of the court. His actions have been bona fide and based on the belief that the decree itself is void and unenforceable being obtained by fraud.

9. That in the facts and circumstances, continuation of contempt proceedings or imposition of any further punishment would amount to double jeopardy and abuse of process, contrary to the scheme of the Contempt of Courts Act, 1971.

PRAYER

In view of the foregoing, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Take on record this written submission;
- b) Hold that no further imprisonment or coercive action is permissible against the Respondent (JD) in view of his having already undergone 60 days' civil custody;
- c) Take judicial notice of the prima facie fraud played by the Decree Holder and direct appropriate inquiry after calling the LCR or permit the Respondent to pursue appropriate remedy before the competent forum; and
- d) Pass such further or other orders as this Hon'ble Court may deem fit and proper in the interest of justice."

18. As is apparent, the new story and contention sought to be raised by the Respondent/Contemnor is based upon the Order of the learned Executing Court dated 15.12.2025. Learned counsel now seeks to contend, based on the aforesaid Order, that there is no willful default since the Respondent/Contemnor did not have the financial wherewithal to satisfy the decretal amount and that the learned



2026:DHC:5941



Executing Court has also rendered a finding that the Petitioner was unable to establish that the Respondent/Contemnor possessed the means to satisfy the decree. The Respondent/Contemnor also relies on an Affidavit filed before the learned Executing Court to the effect that the Respondent/Contemnor did not have the financial wherewithal to pay the decretal amount.

19. It is apparent that throughout the course of the present contempt proceedings, until the Order dated 15.12.2025 came to be passed, no plea whatsoever was raised regarding the Respondent/Contemnor's alleged inability to satisfy the decretal amount. Equally, the contention that the Respondent/Contemnor was a non-practicing doctor never formed part of the pleadings before this Court. Significantly, even the written submissions filed on 14.10.2025, accompanied by the Affidavit of the Respondent/Contemnor, are completely silent on the aspects of capacity to pay and alleged non-employment/practice.

20. This Court, *vide* Order dated 08.04.2019, has already disbelieved the Respondent/Contemnor's plea that he lacked the financial capacity to satisfy the decretal amount.

21. This Court also finds the contention that the Respondent/Contemnor, despite being a medical graduate, has not been practicing as a doctor, difficult to accept. The said contention assumes greater significance in view of the admitted position that the Respondent/Contemnor was fully conscious of the decree passed against him and had voluntarily furnished an undertaking to this Court to satisfy the decretal amount. Despite the same, no material has been placed on record to demonstrate that the Respondent/Contemnor made any *bona fide* effort either to arrange the requisite funds or to otherwise honor the undertaking furnished to this Court despite being



2026:DHC:5941



fully physically and mentally able to do so. Furthermore, the Respondent/Contemnor was also well dressed and appeared none the worse for wear, clearly indicating that the factual position appeared to be in contrast to the submission.

22. Clearly, the Respondent/Contemnor, by virtue of different stands taken before this Court and before the Executing Court, is playing ducks and drakes with the Court.

23. For all the above reasons, this Court holds the Respondent/Contemnor guilty of civil contempt. In exercise of powers under Section 12 of the Contempt of Courts Act, 1971, the Respondent is sentenced to undergo simple imprisonment for a period of two (02) months and to pay a fine of ₹2,000/-.

24. In default of payment of the fine within a period of two (02) weeks from today, the Respondent shall further undergo simple imprisonment for a period of seven (07) days.

25. The present Petition, along with all pending Application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J

JULY 24, 2026/nd/DJ