

COCP-4400-2025 (O&M)

2025:PHHC:116731



104 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

COCP-4400-2025 (O&M)  
Date of decision : 29.08.2025

Amitabh Sinha

..... Petitioner

Versus

Sunita Motwani

..... Respondent

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. Urfee Haider, Advocate  
Mr. Sonit Sinhmar, Advocate  
for the petitioner.

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**PANKAJ JAIN, J. (ORAL)**

1 Present contempt petition has been filed under Sections 10, 11 and 12 of *the Contempt of Courts Act, 1971*, whereby the petitioner accuses respondent of having played fraud upon the Magistrate's Court and thus succeeded him in getting a favourable order dated 17.10.2023.

2 The dispute between the parties is on account of a matrimonial discord. In the proceedings before the Family Court, the respondent filed an affidavit dated 07.10.2023, which has been placed on record as Ex.P-2.

3 Counsel for the petitioner has referred to para No.8 of the affidavit to contend that the averment made is false. He submits that respondent, on oath, stated before the Court that she started staying in rented accommodation after she was thrown out from the matrimonial house in 2007 and continues to live in rented accommodation till date. The said averment is false as from the income tax return for the year 2016-2017, it is



evident that she sold immovable property. He further submits that since the affidavit does not disclose the list of assets as prescribed by Supreme Court in the case of *Rajneesh Vs. Neha & ors., MANU/SC/0833/2020* the respondent is guilty of contempt of Court. Further relies upon ratio of law laid down in *Suo-Motu Contempt Petition (Civil) No.3 201* in *Re: Perry Kansagra*, wherein Supreme Court held that wherever the Court finds that the litigant has tried to mislead the Court and therefore tried to pollute the administration of justice, the contemnor needs to be proceeded against.

4 I have heard learned counsel for the petitioner and have gone through the records of the case.

5 The entire plea raised by the petitioner is with respect to falsity of the affidavit dated 07.10.2023, filed by the respondent in proceedings before the Family Court. On being specifically asked with respect to the false averment made in the affidavit, counsel for the petitioner has referred to para 8 thereof, which reads as under :-

*“8. I State That After Being Rendered Homeless And Penniless By Respondent, After Being Thrown Out From Matrimonial Home At USA & Gurgaon In 2007, I Started Staying In Rented Accommodation (Till Date)”*

6 On being asked as to how the said averment made in the affidavit is false or is not true, he submits that from the Income Tax Return of the respondent, it is evident that she sold the property and relies upon Income Tax Return of the respondent for the year 2016-17. The ITR reads as under :-



- ANNEXURE - H

### INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

[Where the data of the Return of Income in Form ITR-1 (SAHAJ), ITR-2, ITR-2A, ITR-3, ITR-4S (SUGAM), ITR-4, ITR-5, ITR-6, ITR-7 transmitted and verified electronically]

Assessment Year  
**2016-17**

PERSONAL INFORMATION AND DATE OF ELECTRONIC TRANSMISSION	Name SUNITA MOTWANI		PAN AAIPM1706F	
	Flat/Door/Block No F 1801		Name Of Premises/Building/Village AJMERA INFINITY	
	Road/Street/Post Office NEELADRI ROAD		Area/Locality 89/1 DODDATHOGUR	
	Town/City/District BANGALORE		State Karnataka	
	Designation of AO(Ward/Circle) WARD 71(4), DELIII		Pln 560100	
	E-filing Acknowledgement Number 162932090250416		Original or Revised ORIGINAL	
	Date(DD/MM/YYYY) 25-04-2016		Form No. which has been electronically transmitted ITR-1	
	Status Individual		Aadhaar Number XXXX XXXX 41	
	Computation of Income and Tax Thereon			

1	Gross total income	1	442965	
2	Deductions under Chapter-VI-A	2	159703	
3	Total Income	3	283260	
3a	Current Year loss, if any	3a	0	
4	Net tax payable	4	1366	
5	Interest payable	5	0	
6	Total tax and interest payable	6	1366	
7	Taxes Paid	a Advance Tax	7a	0
		b TDS	7b	0
		c TCS	7c	0
		d Self Assessment Tax	7d	1370
		e Total Taxes Paid (7a+7b+7c +7d)	7e	1370
8	Tax Payable (6-7e)	8	0	
9	Refund (7e-6)	9	0	
10	Exempt Income	Agriculture		
		Others	10	0

The return has been electronically uploaded on 25-04-2016 13:29:14 from IP address 122.172.249.96 and has been electronically verified by SUNITA MOTWANI in the capacity of \_\_\_\_\_ having PAN AAIPM1706F on 25-04-2016 13:30:26 from IP address 122.172.249.96 at BANGALORE using Electronic Verification Code MVEXGSILLI generated through Aadhaar OTP mode.

**DO NOT SEND THIS ACKNOWLEDGEMENT TO CPC, BENGALURU**

7 Evidently, the ITR for the assessment year 2016-2017 does not show sale of any immovable property.

8 In view thereof, this Court does not find any reason to proceed on alleged contempt against the respondent, as no falsity in the affidavit could be pointed out by the counsel.



9            There is another reason for not interfering the present petition. Counsel for the petitioner admits that apart from initiating the contempt petition, the petitioner has also proceeded against the respondent before the Magistrate, accusing her of perjury.

10           In view thereof finding no merits in the present petition, the same is ordered to be dismissed.

**29.08.2025**  
*Pooja Sharma-I*

**( PANKAJ JAIN )**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No