

Jivendra Gautam Vs. Veena Gautam

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Court : Delhi

Decided On : Mar-22-2010

Judge : Shiv Narayan Dhingra, J.

Acts : Contempt of Courts Act

Appeal No. : Cont. Cas (C) 477/2008

Appellant : Jivendra Gautam

Respondent : Veena Gautam

Advocate for Def. : M.P. Acharya, Adv.

Advocate for Pet/Ap. : Shiv Shankar, Adv.

Disposition : Petition dismissed

Judgement :

Shiv Narayan Dhingra, J.

1. By this contempt petition, the petitioner has prayed for taking action against the respondent who is his wife for non compliance of the order dated 30th May, 2008 passed by this Court.

2. Vide order dated 30th May, 2008, this Court had disposed of an appeal giving following directions:

Accordingly, applicant/respondent No. 1 (the father of the child and respondent No. 1's father), shall be permitted to meet the child at Bhopal where the child is currently staying and studying. The meeting shall take place in the Income Tax Guest House. These two persons shall be permitted to meet the child on every Sunday from 10 am to 6 pm during the summer vacations. The appellant/wife and her father shall also be at liberty to be there at the time when the meeting takes place.

3. It is submitted by the petitioner that in accordance with the above order of this Court, he had been continuously going to meet the child at Bhopal so as to interact with the child and to see that the child is not deprived of father's love but the respondent/wife made it impossible to meet the child. She has not been bringing the child to the Income Tax Guest House on one or the other pretext and even if the child was brought there, he was brought there for a very short span of time and the attitude of the child was such as if he had been told not to talk to the father.

4. This Court had appointed Ms. Eli Mirza as Local Commissioner to visit Bhopal along with petitioner so as to ensure a smooth meeting between father and the child and also to observe the attitude of the parties. The report of the Local Commissioner is there on record and is quite discouraging. The report shows that the child showed no interest in the father and made excuses so as to evade the company of his father. The Local Commissioner was at Bhopal for two days of visitation rights and she observed that all efforts of father and grandfather failed to convince the child to talk to them and communicate with them.

5. A perusal of order dated 30th May, 2008 whereby the visitation rights were allowed would show that the child had expressed his feelings in the Court itself and told that he did not wish to see his father and his relatives nor wanted to visit them. However, this Court felt that since the child was of 12 years of age, he should not be deprived of the love of the father.

6. Looking at the fact that the respondent did bring the child to Income Tax Guest House for some period on some visitation dates and the fact that the child who is born on 30th March, 1996 is now around 14 years of age, I consider that it would not be appropriate to penalize the mother under Contempt of Courts Act on the

ground that she did not comply with the order of this Court. I find no force in this contempt petition. The petition is hereby dismissed with no orders as to costs.

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