

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

Date of Reserve: 11th March, 2010

Date of Order: 16th March, 2010

CONT. CAS. (C) No. 692/2009

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16.03.2010

Barkha Nanda

... Petitioner

Through: Mr. Aniruddha Choudhary, Advocate

Versus

Raj Nath Nanda

... Respondent

Through: Mr. Narender Pal Singh, Advocate

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

By this Contempt Petition the petitioner has alleged willful disobedience, on the part of the respondent, of an order dated 10th February, 2009, passed by the learned ADJ on the basis of a compromise arrived at between the parties. The petitioner's contention was that in terms of compromise respondent was to move a petition for quashing of FIR so that the petitioner could get amount of Rs.8 lac released in her favour. The respondent did not move a petition for quashing of FIR. Similar allegations were made that the respondent did not provide visitation rights of the child to the petitioner in terms of the undertaking and the child was not brought to Delhi during summer vacation for meeting with the petitioner and it was wrongly informed to the petitioner that the child had fallen sick. Respondent had his own version of things. During pendency of this petition, the Court gave directions to the respondent to move a petition for quashing of FIR. This petition was moved, FIR was quashed and the

payment of Rs.8 lac in terms of compromise was made to the petitioner in the Court itself. This Court had also given directions for meeting of the child with the mother (petitioner) and directed that visitation rights be enforced in terms of the compromise. The respondent appeared in person and stated that the child was brought to Delhi and he was taken to the petitioner/mother and there was no disobedience on his part.

2. Looking into the facts, it is evident that the basis of contempt was that the respondent had not complied with the payment of lump sum amount and during pendency of this proceeding this was complied with. I consider that this contempt petition is not maintainable any more.

3. The respondent is directed to sincerely comply with the visitation rights of the child. In case, it is found that the respondent is not complying with the visitation rights, the trial Court should enforce these visitation rights through coercion with the help of local police. I hope the respondent would avert this situation for the welfare of the child and in case this situation arises, the respondent solely would be considered responsible for this. In case, there is any genuine cause for which the child cannot be brought to Delhi, the respondent shall inform the petitioner in advance.

With this, the petition stands disposed of.

March 16, 2010
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SHIV NARAYAN DHINGRA, J.