

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3603 of 2023

Applicant :- Girish Chandra Mishra

Opposite Party :- Smt. Neelam Mishra And Another

Counsel for Applicant :- Himanshu Vaish, Shatrohan Lal, Sunder Lal

Counsel for Opposite Party :- Jitendra Saksena

Hon'ble Rajesh Singh Chauhan, J.

1. Heard.

2. This Court has passed the order dated 30.11.2023 which reads as under:

"1. Heard.

2. This Court has passed the order dated 17.10.2023 which reads as under:

"1. Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner has stated that despite the order dated 22.3.2023 passed by this Court in Habeas Corpus Writ Petition No. 52 of 2023 with the consent of the parties to the effect that as and when the petitioner wishes to meet his wife and his handicapped daughter he will be permitted to meet those persons. He has further submitted that the wife of the petitioner along with such handicapped daughter is living at Lucknow, whereas the petitioner resides at Lakhimpur Kheri. He has further submitted that when the petitioner tried to meet them, the opposite parties created hindrance but with the intervention of the police of P.S. Vikas Nagar the petitioner was permitted to meet them. When the next time petitioner came to meet them the opposite parties created hindrance and this time the police personnel did not help the petitioner to meet the aforesaid persons.

3. The petitioner preferred couple of complaints to the superior authorities but to no avail. Therefore, the opposite parties are deliberately and intentionally flouting the order / direction being issued by this Court on 22.3.2023 (supra).

4. Issue notice to opposite parties no. 1 and 2 returnable at an early date.

5. Steps within a week.

6. Office to proceed accordingly.

7. List on 30.11.2023.

8. On that date the petitioner as well as the opposite parties no. 1 and 2 shall appear in person."

3. In compliance of the aforesaid order, both the opposite parties are present in person.

4. Sri Jitendar Saksena, Advocate has filed his Vakalatnama on behalf of opposite parties nos. 1 and 2, the same is taken on record.

5. Considering the grievance of the issue in question, I feel it appropriate that on the next date wife of the petitioner, the petitioner and both the opposite parties shall appear in person so as to understand as to how the issue in question may

be adjudicated finally.

6. List on 21st of December, 2023.

7. When the case is listed next, name of Sri Jitendar Saksena be printed in the cause list as learned counsel for opposite parties."

3. In compliance of the aforesaid order, Sri Girish Chandra Mishra, the petitioner and Smt. Saraswati Devi wife of the petitioner are present in person.

4. The petitioner Sri Girish Chandra Mishra has stated that he is just willing to look after his handicapped daughter so that she could live properly for that he had approached this Court by filing the habeas corpus petition.

5. However, Smt. Saraswati Devi has stated that she is peacefully living with her daughter and she and her daughter are not needing any help from him. She has also stated that she is not willing to meet her husband by levelling some allegations which may not be tested by the Contempt Court.

6. Therefore, in view of the aforesaid development, nothing remains to be adjudicated in the present contempt petition.

7. Accordingly, the present contempt petition is ***dismissed***.

8. Notices, if any, stand discharged.

9. However, it is always open for the parties to approach the Competent Authority if they have any grievance. Further, if the handicapped daughter of the parties is willing some financial and moral support from her father, the petitioner, Sri Girish Chandra Mishra, she is free to meet him and seek help from him.

[Rajesh Singh Chauhan,J.]

Order Date :- 21.12.2023

kkv/