

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.222 OF 2015

Adwait Anil Dixit

Petitioner

versus

Akanksha roy Rasmunsen

Respondent

Mr.Mandar Limaye for Petitioner.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 30<sup>th</sup> March 2016

PC :

1. Heard learned counsel appearing for the Petitioner. Family Court Appeal No.12 of 2015 was decided by a Division Bench of this Court by order dated 23rd February 2015. Under the said judgment and order, the custody of the child was retained with the Respondent-mother. However, the Respondent-mother was directed to ensure that the child spends both the vacations with the present Petitioner-father in India. Learned counsel for the Petitioner pointed out that the e-mail addressed by the Respondent-mother shows that there is a complete defiance of the directions issued to the Respondent-mother to ensure that the child spends both the vacations with the Petitioner in India. He pointed out that the present age of the female child is approximately 14 years. He states that the

Petitioner is of the view that considering the age of the female child, if at this stage, contempt petition is prosecuted and female child is forced to come back to India, it may have adverse impact on the female child. Learned counsel submits that therefore, the Petitioner has instructed him not to press the petition for initiation of contempt proceedings at this stage.

2. We accept the aforesaid statement. The approach adopted by the Petitioner appears to be reasonable and in the interest of minor child. Hence, we dispose of the contempt petition. We, however, make it clear that this order will not affect in any manner enforceability of the decree passed by this Court in the Family Court Appeal. Subject to what is stated above, the contempt petition is disposed of.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST