



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Contempt Petition(MD)No.743 of 2016  
in  
C.M.P (MD)No.1943 of 2016  
in  
C.M.A(MD)No.1301 of 2015

M.Ansar

... Petitioner/Petitioner/Petitioner

Vs

1.Rikana  
2.Shahabdheen  
3.Aysha Beevi

... Contemnors/Respondents/ Respondents

Prayer:- Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondents for the willful disobedience of the order passed in C.M.P(MD)No.1943 of 2016 in C.M.A(MD)No.1301 of 2015, dated 17.03.2016.

Prayer in CMP(MD). 1943/ 2016 :

Petition is praying for direction to the respondents to hand over the interim custody of the minor child viz., Mohammed Ajmal to the petitioner during the weekends of every week.

Prayer in CMA(MD). 1301/ 2015 :

Petition is filed to set aside the order and decree dated 10.08.2015 in G.W.O.P. No.380 of 2012 on the file of District Court Kanyakumari At Nagercoil.

For Petitioner: Mr.H.Thayumanaswamy

For RR 1 & 3 : Mr.A.Robinson

ORDER

dated 17.03.2016, is disobeyed.

2.This Court, by an order dated 15.06.2016 issued statutory notice to the respondents 2 and 3 in this contempt petition. When the matter came up for hearing on 13.07.2016, the third respondent failed to comply with the order of this Court, dated 17.03.2016 and failed to appear before this Court in compliance with notice served on her. This Court issued Non-Bailable Warrant against the third respondent and the matter was adjourned to 20.07.2016. When the matter came up for hearing on 20.07.2016, the learned counsel appearing for the respondents 1 and 3 submitted that the second respondent, who is the husband of the third respondent, died on 14.06.2016 and due to the customary practice, the third respondent could not go out and hence, the third respondent has not appeared before this Court on 13.07.2016 and the first respondent appeared on 20.07.2016 and produced the minor child before this Court and this Court passed the following order:-

"This Court directed the first respondent to hand over the child to the petitioner. The petitioner is entitled to have the child till Sunday ie., on 24.07.2016 upto 05.00 p.m., and the petitioner is directed to hand over the child to third respondent at 05.00 pm., on 24.07.2016 and thereafter, the third respondent and the petitioner must comply with the order, dated 17.03.2016 passed in C.M.P(MD)No.1943 of 2016 in C.M.A(MD)No.1301 of 2015. In view of this order, non-bailable warrant issued to secure the third respondent is re-called".

3.Today, when the matter was called, the third respondent is also present before this Court today and the learned counsel appearing for the respondents 1 and 3 submitted that the third respondent is tendering unconditional apology to this Court and submitted that she will comply with the order dated 17.03.2016, passed by this Court. The said submission is recorded.

4.The learned counsel for the petitioner and respondents 1 and



3 submitted that as per the order passed by this Court in C.M.P(MD) No.1943 of 2016 in C.M.A(MD)No.1301 of 2015, dated 17.03.2016, interim custody of the minor child was handed over to the petitioner on 30.07.2016 evening and the petitioner handed over the child to the third respondent on 31.07.2016 and he will have the custody of the child every week, till further orders passed by this Court and further submitted that the petitioner and the third respondent will comply with the order regularly without fail.

5.Non-Bailable Warrant issued for arrest of the third respondent is re-called on 20.07.2016. Apology tendered by the third respondent is recorded and this Contempt Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

ps

JAM/AAL-MPA/31.08.16/ 3p-1c

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