

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO*

CONTEMPT CASE No.685 of 2016

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging willful disobedience to the order dated 21.12.2015 passed by this Court in F.C.A.No.302 of 2015 requiring the respondents to provide the appellants access to the child on every Sunday between 10.00 AM and 3.00 PM.

This Court had an occasion to interact with the child, Shaika Ali Ahmed, on 21.04.2017 and she categorically stated that she has no interest whatsoever in meeting the appellants. As Shaika Ali Ahmed is presently over 17 years of age and is on the verge of attaining the age of majority, we are of the opinion that she cannot be compelled against her will to interact with the appellants. The appellants, in fact, were advised on the said day to try to mend their relationship with the respondents with whom Shaika Ali Ahmed is now staying. Be it noted that the second respondent is none other than the sister of the first appellant and Shaika Ali Ahmed was practically brought up by her and her husband, the first respondent.

We therefore find that in these peculiar circumstances though there is non-compliance with the order passed by this Court in F.C.A.No.302 of 2015, it cannot be brought within the ambit of 'willful disobedience' as defined in the Contempt of Courts Act, 1971, and more so, as Section 13 thereof provides that no Court shall impose punishment for a contempt of Court, unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends to interfere with the due course of justice.

In the present case, given the sentiments of the child, Shaika Ali Ahmed, who is practically an adult, we find that this is not a fit case for proceeding further in exercise of contempt jurisdiction.

The contempt case is accordingly dismissed. No order as to costs.

SANJAY KUMAR, J

U. DURGA PRASAD RAO, J

Date:03.11.2017
GJ