

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**COCN No. 943 of 2015 (O&M)
Date of Decision: 12.05.2017**

Rajesh Pal

..... Petitioner

Versus

Aarti and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. Namit Gautam, Advocate
for the respondents.

JASWANT SINGH, J. (ORAL)

The marriage of Rajesh Pal (petitioner) and Aarti (respondent No. 1) was solemnized on 11.03.2007 and dissolved by a decree dated 06.09.2013 by mutual consent. A girl child-Navya was born out of the said wedlock on 10.12.2007. The District Judge, Chandigarh, vide its order dated 29.09.2014 (**Annexure P-4**) amended the decree dated 06.09.2013 qua the visitation rights for the father-Rajesh Pal qua his minor daughter, which read as under:-

“Consequently, it is deemed appropriate to fix last Friday of each month for meeting petitioner No. 2 to his minor daughter Navya in the Court of learned Guardian Judge, Chandigarh from 2.00 P.M. to 5.00 P.M. Ordered accordingly.”

The present contempt has been filed with the allegations that the ex-wife-Aarti and her brother Karun Kumar (respondent No. 2 herein)

are violating the order dated 29.09.2014 **(P-4)** by not producing the minor daughter-Navya as per the schedule specified therein.

Upon notice, the respondents have put in appearance and filed reply. The non-production of minor girl is seriously contested in the reply.

On the previous date of hearing i.e. 29.03.2017, the parties were summoned alongwith the minor girl, who is aged about 9½ years. The minor girl had shown her reluctance to meet her father-petitioner, however, the parties had prayed for time to resolve their dispute regarding schedule of meeting between father and the minor girl.

At the time of hearing, learned counsel for the respondents states that the petitioner-Rajesh Pal has not got in touch with either the ex-wife (Aarti/respondent No. 1) or his family nor the minor daughter-Navya since the last date of hearing. As per the *zimni* orders of the Court concerned for production of the minor child, the father-petitioner had not come to meet the child since 27.11.2015.

Be that as it may, even the counsel for the petitioner states that his client since the previous date of hearing has not contacted him inspite of repeated requests through messages and calls on his mobile. He, therefore, prays for recusing from the case.

In view of the aforesaid circumstances, no case for continuing the present contempt petition is made out, accordingly, the same stands dismissed.

May 12, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No