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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 236/2017 & CM APPL. 11369/2017

MANISH KUMAR Petitioner
Through: Mr. Kartik Khanna, Advocate.

versus

RASHMI VERMA Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
22.03.2017

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Present contempt petition has been filed alleging wilful disobedience of the order dated 16th May, 2016 passed in G.P. No.1/2016 wherein the petitioner-father was granted visitation rights to meet the minor child on the first and third Saturday of every month from 3:00 p.m. to 4:30 p.m. in the Children Room of the Family Court, North Rohini, Delhi.

Learned counsel for petitioner states that the respondent-wife since October, 2016 is not bringing the child for visitation purposes.

In the opinion of this Court, petitioner has an alternative effective remedy by filing an application under Section 43(4) of the Guardians and Wards Act, 1890. Section 43(4) of the Guardians and Wards Act, 1890 is reproduced hereinbelow:-

43. Orders for regulating conduct or proceedings of guardians and enforcement of those orders—

xxx

xxx

xxx

(4) In a case of disobedience to an order made under sub-section (1) or sub-section (2), the order may be enforced in the same manner as an injunction granted under Section 492 or Section 493 of the Code of Civil Procedure, 1882 (14 of 1882) in a case under sub-Section (1), as if the ward were the plaintiff and the guardian were the defendant or, in a case under sub-section (2), as if the guardian who made the application were the plaintiff and the other guardian were the defendant.

Consequently, present contempt petition and application are disposed of with liberty to petitioner to file an application under Section 43(4) of the Guardians and Wards Act, 1890.

MANMOHAN, J

MARCH 22, 2017

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