

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 92 of 2018

- Riyaz Mohammed S/o Sm Ismile Aged About 36 Years Permanently Residing At Medayil Veeldu, M. C. Street, Balaramapuram, Thruvananthapuram, Kerala, Presently Residing At Flat No. 804, Nasser Lootha Building, Muhaisnath- 4, Dubai, District : Thiruvananthapuram, Kerala

---- Petitioner

Versus

- Sofiya Khan W/o Shri Riyaz Khan Aged About 27 Years R/o Noorani Chowk, Tehsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

**---- Respondent
Contemnor**

For Petitioner	:	Smt. Fouzia Mirza, Advocate
For Respondent	:	Shri Amrito Das, Advocate.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Sanjay Agrawal

Order On Board

Per P. Diwaker, J

28/02/2018

1. The petitioner has filed this contempt petition to punish the respondent wife for not complying with the order dated 7.11.2016 passed by the Division Bench of this Court in its letter and spirit.
2. The petitioner and the respondent along with girl child are also personally present.
3. Learned counsel for the petitioner submits that despite specific order permitting the petitioner-father to visit and meet his daughter, the respondent is not permitting such visitation and thereby she knowingly and wilfully violated the order passed by this Court. She points out that

the girl child is suffering from congenital kidney problem and the respondent is negligent in providing medical treatment to her.

4. The respondent-wife, who is present in the Court, denies the above allegations and states that she is providing best possible treatment to her daughter for the disease diagnosed. She further submits that she has already taken appointment in Sanjeevani Hospital, Raipur to meet the specialist on 9.3.2018. She being the mother is equally worried about health of her daughter. She is regularly taking her daughter to hospital for check-ups and in future also she would be very particular in getting her treatment. She further submits that she has no objection if the petitioner wants to meet the daughter, however, he has to ensure that he would not repeat the past incident of running away with the child.
5. Accordingly, it is directed that as and when the petitioner comes from Dubai to India, the respondent will allow him to meet the child so that he can shower fatherly love and affection to the child which would also be necessary for the full and complete development of the child otherwise the child is going to have a lopsided development. The respondent wife may also accompany the child during such meetings and cooperate with the petitioner enabling him to freely enjoy the company of the daughter. The parties are also directed to maintain a congenial atmosphere during such visitations.
6. In the light of the submissions made supra and having regard to the facts and circumstances of the case, this contempt proceedings are dropped, reserving liberty to the parties to avail of the remedy available to them under the law, if so advised or if need arises in future.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Sanjay Agrawal)
Judge

roshan/