

HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (Civil) No. 283 of 2018

Smt. Farha Khan, D/o. Late Anish Hasan Khan, Aged About 42 Years, R/o. Jatiya Talab, Om Nagar Jaharabhata, Bilaspur, Present Address- Flat No. 203, 2nd Floor, C.K. Heights Chadda Badi, Nehru Nagar Bilaspur, Tahsil & District Bilaspur, Chhattisgarh

---- **Petitioner**

Versus

Irfan Ur Rahim Khan, S/o. Anwar Ur Rahim, Aged About 54 Years, R/o. E-1, Nutan Colony Sarkanda, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh

---- **Respondent**

For Petitioner : Smt. Indira Tripathi, Advocate

For Respondent : Smt. Hamida Siddiqui, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.09.2018

1. Heard the present contempt petition filed under Article 215 of the Constitution of India for non-compliance of the order dated 12.03.2018. The relevant part of the order reads as under:

“3. Perused the order. The instant petition is by a mother to meet her son. Considering the nature of this case, if mother wants to meet the son and wants to keep him for some time, it can always be encouraged. The meeting in the Court premises that of a mother and minor son would always be meeting on paper without the actual purpose being served. The meeting in the Court premises in presence of crowd do not serve the actual cause of interchange of affectional. The motherly love can not be a part-time affair. Therefore, looking to the circumstances, the writ petition is disposed of with a direction that the petitioner shall be allowed to keep her son from the Saturday morning till Sunday evening. The son Arhan shall be kept in the custody of the mother, the petitioner herein, during that period and in the evening of Sunday the son would be returned to the respondent father.”

2. Learned counsel for the petitioner would submit that proper direction may be passed and now the children have been sent back by the father to mother during Eid and children were beaten by father as they accepted certain gift by mother. It is contended now the children are in the custody of the mother and appropriate direction requires to be passed in this contempt petition as the going of children to the school have been seriously intervened by mother.
3. The respondent counsel submits that the children now are in custody of mother.
4. It now appears that the children are in custody of the mother. Perusal of the order dated 12.03.2018 would show that entire object of the order was passed in background of relation between the parties that the children has to be in the company of the mother as the mother's love cannot be a part-time affair. Now the submission has been made before this Court and it is not disputed that the child i.e. son is under custody of the mother i.e. petitioner herein. In such circumstances, the other issue which has been raised by the petitioner is completely foreign and are not required to be gone into this contempt petition. The petitioner, if at all, is aggrieved by the other action of the respondent, the husband, she can file appropriate petition before the appropriate Court/ forum if so advised.
5. The petition at this stage has no merit and accordingly it is dismissed as having become infructuous.

Sd/-
(Goutam Bhaduri)
Judge