

HON'BLE MR JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE MRS. JUSTICE ABHINAND KUMAR SHAVILI
Contempt Case No.2437 of 2018

ORDER: (V. Ramasubramanian, J)

On 21-12-2018, we passed an order in the presence of the parties. But the minor girl child simply refused to go with the mother as per the order dictated by us. Since the situation in the chamber became uncontrollable, the order dictated on 21-12-2018 was not signed by us. However, we adjourned the matter to today.

2. Today, at 2.15 P.M., we directed the father of the minor girl child to leave the child in the custody of the mother in our chamber, during the post lunch session so that the mother can have exclusive custody when we went to the Bench. But the child appears to have refused to be in the company of the mother. Not only she refused to be in the company of the mother, but also she went out of control. It is only by use of physical force that we could have ensured that the child was in the company of the mother. This choice, being an undesirable one, we did not make it.

3. Irrespective of whether the minor girl child is tutored and brainwashed by the father, the fact remains that the order passed by this Court, out of which the above contempt arise, could not be implemented. Since the enforcement of the order out of which the above contempt arises, may require either the use of physical force or psychiatric counseling, both of which we do not wish to opt for, we have no other alternative but to close the contempt petition. The

Registry is directed to list the appeal for final hearing immediately after Sankranthi Vacation, 2019.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

Date: 26-12-2018

Ksn

