

In the High Court of Punjab and Haryana at Chandigarh

COCP No.1694 of 2017

Date of decision: July 11, 2018

Smt. Toshani Naik

..... Petitioner

Versus

Subhranta Naik

..... Respondent

CORAM: Hon'ble Mr. Justice Augustine George Masih

Present: None for the petitioner.

Mr. Puneet Malik, Advocate for the respondent.

Augustine George Masih, J. (ORAL)

On 06.07.2017, the following order was passed:

“In the exercise of powers under Section 10 of the Contempt of Courts Act, the High Court has got jurisdiction to punish for contempt of subordinate Courts.

The Family Court, Gurgaon being a subordinate Court, the petitioner who has filed a petition for the custody of her minor child Neeraj Nayak has filed the present contempt petition alleging that despite repeated directions by the Family Court, the respondent-husband has not produced the child on the dates fixed by the Family Court. This Court no doubt has got jurisdiction but in cases of civil contempt as per Rule 9 of the Contempt of Courts (Punjab and Haryana) Rules, 1974, cognizance can be taken on the basis of reference made to the High Court under Rule 9(C) by the Subordinate Court. In order to punish the respondent, this Court has to arrive at a conclusion that act of the respondent would fall within the definition of Section 2(b) of the Contempt of Courts Act i.e. whether the respondent has wilfully disobeyed any order of this Court.

Without entering into the disputed question of fact, at

this stage, I deem it appropriate to seek a report from the Family Court, Gurgaon, regarding the act of the respondent being a contempt of Court.

For awaiting report to come up on 9.8.2017.

Meanwhile, the petitioner may move an application claiming that the conduct of the respondent would constitute wilful disobedience of the orders of the Court. The Family Court will report after giving opportunity to the respondent to comply with the orders, to this Court in order to enable this Court to form an opinion whether the respondent has committed contempt of Court.”

Report of the learned District Judge, Family Court, Gurugram dated 03.08.2017 has been received according to which the interim custody of the minor child has been handed over to the mother for the period of 15 days. This renders the present contempt petition infructuous.

Disposed of accordingly.

Rule issued to the respondent stands discharged.

(Augustine George Masih)
JUDGE

July 11, 2018

jt

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No