

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**C.O.C.P. No. 471 of 2018 (O&M)
Date of Decision: 06.04.2018**

Ashwani Sharma

..... Petitioner

Versus

Shweta

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sandeep S. Majithia, Advocate
alongwith the petitioner-husband.

Mr. Jagmohan Bansal, Advocate
alongwith the respondent-wife.

JASWANT SINGH, J.

1. The petitioner has filed present contempt petition under Section 10 and 12 of the Contempt of Court Act seeking initiation of contempt proceedings against the respondent-Shweta who is estranged wife of the petitioner, alleging willful disobedience of Order dated 14.12.2017 **(Annexure P-1)** passed by this Court in Civil Revision No. 7783 of 2018.

2. The brief facts of the case as emerging from the record of the case are that the petitioner got married with the respondent on 22.01.2014 and out of this wedlock, a daughter namely Aahana was born on 22.05.2015 who at present is residing with her mother-respondent. Since September' 2015, the respondent is residing separate from the petitioner, in a rented accommodation at Mohali. The petitioner in the year of 2016 filed divorce petition under Section 13 of Hindu Marriage Act against the respondent and during the pendency of said petition, the petitioner moved an Application dated 08.03.2017 seeking direction to the respondent to permit the petitioner

to meet her daughter and learned Additional District Judge, Panchkula vide order dated 01.10.2017 allowed the said petition and permitted the petitioner to meet his daughter.

3. The respondent by way of Civil Revision No. 7783 of 2017 approached this Court and this Court passed an Order dated 14.12.2017 directing the respondent to bring her daughter to Mediation Centre of this Court, on 1st and 3rd Saturday and at Fun City, Elante Mall, Industrial Area, Chandigarh, 2nd and 4th Sunday of every month. As per petitioner, the respondent intentionally brought Aahana on 16.12.2017 at 01:30 p.m. instead of 11:00 A.M. on 24.12.2017, Similarly the respondent brought Aahana to Fun City, Elante Mall but did not permit the petitioner to meet his daughter. The family members of the respondent kept his daughter in captivity resultantly the petitioner could not meet his daughter. On 06.01.2018, there was holiday in the school of Aahana still she was brought in school uniform. It amounts to dis-obedience of orders of this Hon'ble Court and contempt proceedings deserve to be initiated against the respondent. The petitioner in support his argument has enclosed few SMS(s) and photographs to show that the respondent has intentionally violated orders of this Court.

4. The respondent in her reply dated 16.02.2018 submitted that her daughter is studying in Mohali and on 06.01.2018, was holiday in AKSIPS School, Chandigarh and not Mohali. The respondent has enclosed a school certificate dated 11.01.2018 to buttress her version. The respondent has further contended that she is working in PGI as Lab Technician and it is not possible to leave PGI on Saturday because Saturday is a working day and she is looking after testing of samples of cancer patients. It is not

possible for her to come to Mediation Centre of this Court on Saturday before 3 O'clock because she reaches her home at 02:00 P.M. With respect to allegation of captivity of Aahana in Elante Mall, she would submit that as per photographs and SMS(s), the petitioner was allowed free access and he has played with his daughter.

5. After hearing arguments of both the counsels and having scrutinized record of the case and this Court finds that it is not a case of willful disobedience, warranting initiation of contempt proceedings. It is pure dispute of mis-understanding between an educated couple. Keeping in view interest of child and pendency of divorce petition, on 21.02.2018, this Court asked both the parties to settle their issues once for all. Both the parties sought time to explore the possibility of an amicable settlement. During the course of resumed hearing on 16.03.2018, the petitioner offered a sum of ₹ 9 Lakhs towards full and final settlement and agreed to waive his claim to meet his daughter, however the respondent refused to accept said amount, taking the plea that said amount is insufficient for her and 2½ years of daughter. She asked for a sum of ₹ 20 Lakhs which the petitioner refused to pay.

6. However, to resolve the stalemate, keeping in view welfare and best interest of the child and stated difficulties of the respondent, who is working in PGI, Chandigarh as lab technician, the petitioner agreed to meet his daughter once in a fortnight and the respondent accepted the said offer.

Accordingly, in view of the aforesaid agreed stand of both the parties who are present in court, this Court directs the respondent to bring her daughter, in consultation with petitioner so as to avoid any

to 1:00 P.M. and allow free access to the petitioner.

The petition is **disposed of** in above terms.

Rule is discharged.

April 6th, 2018
'dk kamra'

(JASWANT SINGH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>