

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision (F) No. 393 of 2018

Date of Decision: 06.8.2018

Pooja Agarwal

.....Petitioner

Versus

Vineet Agarwal

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Petitioner in person along with
 Mr. Sanjay Verma, Advocate.

ANITA CHAUDHRY, J

This revision is directed against the order dated 13.7.2018. The application filed by the respondent was partly allowed.

I have heard counsel for the petitioner. The petitioner is also present in person.

The petitioner was married to respondent in 1996. Disputes arose and the parties ultimately decided to settle and a divorce decree by mutual consent was passed. Before that the parties had entered into a Memorandum of Understanding according to which the husband was given visitation rights. Additionally the husband was given the right to take the children for a week.

The husband filed application for initiating proceedings against the wife for willful disobedience. The wife denied the visitation rights. It was found that the wife had got the children admitted in a boarding school at Dehradun. The respondent approached the school and sought their permission to meet the children. It was conveyed to him that his details had not been updated by the mother. The respondent in his application detailed

the steps taken by him so that he could meet his children.

The petitioner filed reply to the application and took the plea that it was orally agreed that father could meet the children but only in her presence.

The trial Court interacted with the children in the chamber and noted that they were not averse to meet their father. It also noticed that they were apparently under the influence of the mother. The Court, however, restrained itself from initiating contempt proceedings but it observed that it amounted to disobedience. While disposing of the application it warned the petitioner and put more conditions so that the father could visit the children as was agreed. It restrained the parties from making any change in the visitation rights without the consent of the other party.

The sole contention on behalf of the petitioner is that the Court below had ignored the fact that the father could meet the children only in her presence and they want that the right to visit the children should be given only in the presence of the mother.

Counsel for the petitioner was asked to refer to the Memorandum of Understanding and to point out whether this was agreed to between the parties. The counsel states that it was orally agreed.

There was dispute between the parties which they had settled and a Memorandum of Understanding was drawn up. Had there been any other condition it would have found a place in the agreement. No condition can be read into the agreement unless it is specifically stated therein. The trial Court had rightly commented on the conduct of the petitioner. There is no illegality in the order.

The petition is dismissed in *limine* with costs of Rs. 10,000/- to

be deposited with the High Court Legal Services Committee.

(ANITA CHAUDHRY)
JUDGE

August 06, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No