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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.476 OF 2018

Kunwar Singh Bedi] ..Applicant

IN THE MATTER BETWEEN

Kunwar Singh Bedi] ..Appellant

vs.

Sonia Kunwar SiknghBedi] ..Respondent

Mr.Kunwar Singh Bedi, Applicant/appellant in person.
Mr.Robin Jaisinghani alonwith Mr.Anish Karande i/by Dastur Kalambi & Associates for the Respondent.

**CORAM : INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.**

DATE : 13TH FEBRUARY, 2019.

P.C.

1] Heard the applicant in person and learned counsel appearing for the respondent.

2] The present Contempt Petition has been filed by the applicant named above alleging violation of the terms and conditions stipulated in the order dated 25th September, 2014 (Coram : Smt.V.K.Tahilramani & M.L. Tahaliyani, JJ) passed in Civil Application No.76 of 2014 arising out of

Family Court Appeal No.142 of 2014. In particular out attention was drawn to para No.10, which is quoted hereunder :

“ The applicant is also entitled to access to the children on 2nd and 4th Saturdays and Sundays. The applicant to pick up the children at 12 p.m. on Saturday from the door of the residence of the respondent and drop them back at the residence of the respondent at 4 p.m. on Sunday. This access during the 2nd and 4th Saturdays and Sundays will continue during pendency of the appeal”.

3] The Applicant submits that inspite of liberty granted to him to have access to children in terms of the directions as quoted hereinabove, , he was not granted access to his children, consequently, the present Contempt Petition has been filed before this Court.

4] Learned counsel for the alleged Contemner/Respondent submits that this issue which is being raised by the applicant was also questioned by him in Civil Application No.79 of 2015 arising out of Family Court Appeal No.142 of 2014 in which order dated 17th July, 2015 (Coram : Ranjit More & Smt.Anuja Prabhudessai, JJ) came to be passed. In the said application, the same allegation of the applicant of not having access to his children was raised and in the said order following directions were issued.

“ 22. In the present case, the children are mature enough to express their own views and opinion and to make intelligent preferences. Depsite our strenuous attempt to explore the possibility of settlement and our efforts to convince the children to spend some quality time with the applicant father, the children have very clearly and categorically stated that they do not wish to meet their father much less, spend weekend access or vacation with him. Under these circumstances, at this stage it would not be in the interest of the children to compel them to spend week end or vacation access with the applicant father. In

our considered view, sincere efforts are required to be made by the parents, particularly by the father to keep their acrimony away from the children and furthermore to make a serious endeavor to maintain peaceful environment so as to allow full cognitive development of the children. Considering the hostile and volatile relationship between the parents and the mental and emotional scars suffered by the children in our view, such co-parenting plan can only be evolved with the help of a counselor. We are therefore of the view that this is a fit case to refer the parents and the children to a counselor with a hope that at least by the next vacation the children will establish a bond with the father and the applicant father would be able to win the affection of the children.

23. In the light of the discussion supra, the request for weekend access and summer vacation as prayed stands rejected at this stage. Both parties are directed to give the names of the counselor within a period of two weeks.”

5] It appears that the applicant being aggrieved by the order dated 17th July, 2015 approached the Hon'ble Apex Court in Special Leave to Appeal (C) No(s). 25038/2015 and the said application came to be disposed off by order dated 7th September, 2015 to the following effect :

“ We do not entertain this special leave petition. However, we direct that the counselling as directed by the High Court in respect of the parents and children, will continue and the petitioner will be at liberty to approach the High Court after three months for access to children, if he is so advised.”

6] On a query from the Court, the applicant submitted that he appeared before the Counsellor on three occasions, but the same was not effective and consequently he was denied meeting with his children. He asserts that he was denied access to his children between May 2011 to November 2016. As on today, he submits that he has access to his children and he is in continuous touch with them. It is also important to note here that elder

child has already become major and younger child is presently aged about 15 years and his entire allegations relates to the period noted hereinabove.

7] After hearing the applicant in person and learned counsel representing the respondent, since the order dated 25th September, 2014 effectively stood modified by the subsequent order of this Court dated 17th July, 2015 (in Civil Application No.79 of 2015 arising out of Family Court Appeal No.142 of 2014, and further since appeal against the said order came to be rejected by the Hon'le Apex Court as noted hereinabove, we find no justifiable ground to entertain the present Contempt Petition. Hence, Contempt Petition No.476 of 2018 stands rejected and accordingly stands disposed off.

(SARANG V. KOTWAL, J)

(INDRAJIT MAHANTY, J)