

HONOURABLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No.1388 of 2018

ORDER:

This Contempt Case was instituted alleging willful disobedience to the order dated 16.3.2018 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in I.A.No.1 of 2017 (C.R.P.M.P.No.6618 of 2017) in C.R.P.No.5093 of 2017.

By the said order, the erstwhile High Court took note of the fact that the child, Master Christopher Jonathan Charles, was inimical to have any relations with his father, the petitioner, but as he was only 11 years of age, the Court opined that it would be in his interest to have some exposure to his father and accordingly directed the respondent-wife to take the child to the Assemblies of God Church, near Tivoli Theatre, Secunderabad, on every Sunday and to allow the petitioner to interact with the child after the church service concluded at 11.30 am. The Court also made it clear that the petitioner should not have any sort of altercations or raise any dispute with the respondent or with the child and should seek to slowly start interaction with the child.

Alleging that the respondent-wife failed to bring the child to the Assemblies of God Church, near Tivoli Theatre, Secunderabad, on 18.3.2018, 25.3.2018, 01.4.2018, 08.4.2018 and 15.4.2018, the petitioner instituted this Contempt Case.

In the course of the hearing of this case, this Court again interacted with the child, Master Christopher Jonathan Charles, on 04.01.2019. He strongly expressed disinclination to have anything to do with his father and was not even willing to speak to him. This was recorded by way of docket order dated 04.01.2019.

It is not in dispute that the Assemblies of God Church, near Tivoli Theatre, Secunderabad, ceased to operate at the said location in July, 2018. Insofar as the earlier dates are concerned, the petitioner admits that he had interaction with the child at the said church on 22.4.2018. When asked about this interaction, the child stated that the petitioner merely took photographs and was not interested in having any interaction with him. The child also stated that he was taken to church regularly by his mother and that the petitioner did not come. This claim is strongly contested by the petitioner on the strength of the photographs produced by him.

According to the petitioner, he visited the said church on various Sundays prior to the closure of the church in July, 2018, along with his mother, but the respondent-wife failed to bring the child. The photographs indicate the fact that the petitioner and his mother were at the premises where the photographs were taken. Even if it is accepted that these premises are situated at the Assemblies of God Church, near Tivoli Theatre, Secunderabad, they would not by themselves demonstrate the failure of the respondent-wife to come to the church along with the child. The mere *ipsi-dixit* of the petitioner to that effect therefore cannot constitute sufficient

grounds for exercise of contempt jurisdiction. In any event, as the child, who is now nearly one year older than he was at the time of the passing of the order, still continues to be inimical to have any relations with his father, this Court is of the opinion that it would not be in the interest of the petitioner himself to further alienate the child at this stage. Be it viewed from any angle, this Court finds no ground to exercise contempt jurisdiction.

The Contempt Case is accordingly dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

25th January, 2019

dr

JUSTICE SANJAY KUMAR