

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CONT No. 673 of 2019**

- Himanshu Kumar Sharma S/o Shri Vijay Kumar Sharma Aged About 32 Years R/o C/o R. Chaurasiya, Near Kaali Temple Kalika Nagar, Tifra Bilaspur, Police Station Sirgitti, Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Sonam Sharma D/o Shri Vikas (Bikash) Saha, Aged About 29 Years Residing At Vividh - 2, Naveen Bazar, Bemetara - Chhattisgarh. Other Address Smt. Sonam Sharma, Data Entry Operator In District Teasury, Bemetara, Chhattisgarh
2. Shri Bikash (Vikash) Saha S/o G. D. Saha Aged About 47 Years Residing At C / O Sonam Sharma, Vividh - 2, Naveen Bazar, Bemetara - Chhattisgarh

---- Respondent

Petitioner	Mr. Himanshu Kumar Sharma, Advocate appears in person
For Respondents	Mr. BP Rao, Advocate appears along with both the respondents/contemners

DB: Hon'ble Mr. Justice Prashant Kumar Mishra**Hon'ble Mr. Justice Parth Prateem Sahu****Order on Board by Prashant Kumar Mishra, J.****7/2/2020**

1. Heard.
2. Batch of petitions pending between the parties in this Court were disposed of by a common order dated 29.4.2019.
3. The said disposal was on the basis of settlement between the

parties for grant of divorce by mutual consent. Pursuant to our order during pendency of the petitions, the parties were allowed to move before the trial Court under Section 13-B of the Hindu Marriage Act, 1955. The said application was allowed by the Family Court on 27.4.2019, which was recorded by us in the order. Thereafter, the only dispute between the parties, which remained unresolved, was about custody of minor son Tejas Sharma.

4. In the suit for custody of minor son Tejas Sharma preferred by husband Himanshu Kumar Sharma, the trial Court had allowed visitation rights to father Himanshu Kumar Sharma. However, when our order was passed on 29.4.2019, the summer vacation was fast approaching, therefore, in order to make the visitation rights real and effective, we directed that during the summer vacation instead of meeting minor son Tejas Sharma in the School, father Himanshu Kumar Sharma shall be permitted by his wife Sonam Sharma to meet his minor son on every Saturday between 5:00 p.m. to 7:00 p.m. at Mahila Paramarsh Kendra, Bemetara.
5. In this contempt petition, it is alleged that during one such meeting at the Mahila Paramarsh Kendra, Bemetar, he was not allowed to meet Tejas Sharma during the full two hours period and contemner No.2 Bikas (Vikash) Saha stated openly that he will not obey any order passed by the High Court.
6. Mr. BP Rao, learned counsel for the petitioner, would submit

that no such statement was ever made by contemner No.2.

7. Contemner No.2 is present in person.
8. When we confronted him with the notings written by the employee present at the Mahila Paramarsh Kendra, Bemetara, he would submit that whatever he had stated on that date was not properly recorded and that he has the highest regard for the Court and he tenders unqualified apology for any mistake committed by him.
9. It is to be noted that at present, the suit preferred by father Himanshu Kumar Sinha seeking custody of the child stands withdrawn, therefore, no lis is pending between the parties before the trial Court.
10. Thus, considering the entire facts situation of the case particularly non pendency of any dispute between the parties in respect of the custody of the child and the apology tendered by contemner No.2, we deem it appropriate to discharge the rule and dispose of the contempt petition with observation that contemner/respondent No.2 shall remain careful in future while attending the Court as also in the course of compliance of the Court orders including High Court orders.
11. It is ordered accordingly.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Parth Prateem Sahu)
Judge

