

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COC-656-2021 (O&M)
Date of Decision: 15.03.2021.

SUMIT LOHAN

...Petitioner

vs.

REKHA

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Ms. Ekta Thakur, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for initiating proceedings against the respondent for intentionally and willfully disobeying order dated 04.03.2021 in Civil Revision No. 479-2021.
3. Learned counsel contends that the respondent appeared before the Mediation and Conciliation Centre of this Court on 08.03.2021 at 1300 hours without bringing children as directed by this Court order dated 04.03.2021 in Civil Revision No. 479-2021 therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of aforesaid orders.
4. Order dated 04.03.2021 passed in Civil Revision No. 479-2021 is reproduced as under:-

“This revision petition filed by Rekha who is stated to be aged 36years has impugned the order dated 26.02.2021 passed by the learned FamilyCourt, Panchkula (Annexure P-1) inter

alia with a prayer to stay the operation of the said order since both the children of the petitioner are undertaking their annual exams.

Learned counsel for the petitioner by making reference to para 2 of the grounds of the petition submits that children have their annual examinations which are now fixed for 08.03.2021, 10.03.2021 etc. He submits that the last exam is on 19.03.2021.

Notice of motion for 06.05.2021.

It is further informed that in pursuance to the impugned orders, the mediator had called the parties at Panchkula on 8.03.2021.

On the asking of the court, it has been informed that the exams of the children will be over by 12:00 p.m. on 08.03.2021.

In the peculiar facts and circumstances of the above case, it is deemed appropriate that a senior mediator of this Court be requested to conduct mediation proceedings initially between the parties so that it can be jointly agreed, in the interest of the studies of the children, as to if the custody of the children be not disturbed till the conclusion of the exam or if the students would be benefited by the custody being granted to the father. Let this issue be resolved by the senior mediator on 08.03.2021

The parties are directed to appear before the senior mediator of this Court on 08.03.2021 at 01:00 p.m. or within the extended time.

Let the report of the senior mediator be submitted on the next date of hearing."

5. A perusal of above order reveals that a Senior Mediator of this Court was requested to conduct mediation proceedings between the parties and as admitted by learned counsel for the petitioner, only the petitioner and the respondent were directed to appear before the Senior Mediator.

produced before the Mediator. As per the order, the parties were directed to appear before the senior mediator of this Court on 08.03.2021 at 1300 hours or within the extended time. In the absence of there being any order of this Court directing the respondent to be present before the Senior Mediator along with the children, the contention of the learned counsel for the petitioner that the respondent is liable to be proceeded against for intentional and willful defiance of order dated 04.03.2021 by not producing the children before the Senior Mediator is without any basis.

6. In view of the position noted above, no case is made out for initiation of contempt proceedings against the respondent. Accordingly, the petition is dismissed as not calling for any orders.

(B.S. Walia)
Judge

15.03.2021.

shabha

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No