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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 893/2020**

% Date of decision: 19th February, 2021

NITEEN YEOLAPetitioner

Throug h: Ms. Swaty Singh Malik, Adv. along
with the petitioner-in-person.

versus

VARTIKA KATIYARRespondent

Through : Mr. Ajay Vikram Singh, Adv. along
with the respondent-in-person..

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

[Court hearing convened *via* video-conferencing on account of COVID-19]

RAJIV SHAKDHER, J. (ORAL):

1. This contempt petition has been filed under Sections 11 and 12 of the Contempt of Courts Act, 1971, principally, on the ground that the direction contained in the order dated 14.09.2020, passed by the Principal Judge, Family Court, Patiala House Courts, New Delhi, in HMA No. 252/2020, has been violated.

1.1. The allegation concerning violation of the order dated 14.09.2020 by the respondent arises out of a matrimonial dispute erupting between the parties. Both the parties have joined the present proceedings along with their respective counsels *via* videoconferencing mechanism.

2. The child involved, I am told, is Ayan, who is seven years old.

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2.1 The direction contained in the order dated 14.09.2020 requires the wife i.e. the respondent herein, to grant access to Ayan, for about 15 to 20 minutes, on second, and fourth Sunday of each month, at about 10.30 A.M. *via* WhatsApp or video-call to the petitioner herein.

3. According to the petitioner, access has been denied, and therefore, he is constrained to move this Court by way of the instant contempt petition.

4. Having interacted with the parties, according to me, the best way forward would be for the concerned Principal Judge, Family Court to arrange a videoconferencing meeting from the court house, on a date and time, which is, convenient to the parties, *albeit*, within the Court hours.

4.1 The schedule, in this connection, will be fixed by the concerned Principal Judge, Family Court in consultation with the counsels for the parties.

4.2. For this purpose, the parties will appear before the concerned Principal Judge, Family Court *via* videoconferencing mechanism on 25.02.2021 at 4.00 P.M. to work out the modalities.

4.3 The Principal Judge, Family Court, Patiala House Courts will be free to fix a schedule, which will not interfere with the court work. The concerned Principal Judge will also be at liberty to have the meeting supervised *via* a counsellor attached to the Court. In case parties want privacy, the counsellor can be placed in a virtual lobby. To facilitate virtual meeting, a common link can be sent to the concerned parties *via* email/WhatsApp.

5. Needless to say, since both the parties have agreed to the aforesaid order being passed, nothing stated hereinabove will impact the merits of the case.

6. I am informed, at this stage, by Ms. Swaty Singh Malik, who appears for the petitioner, that she has received a copy of the reply filed to the instant petition, which concerns, certain assertions made by the respondent, that need to be expunged.

6.1. Mr. Ajay Vikram Singh, who appears for the respondent, says that since the parties have agreed to the directions, which have been issued by the Court, he will withdraw the averments made in the reply, provided, likewise, the assertions made in the contempt petition are withdrawn by the petitioner.

6.2. Ms. Malik says that she does wish to press the assertions made in the contempt petition.

6.3. Similarly, Mr. Singh says that the assertions made in the reply, a copy of which has been served on Ms. Malik, will not be pressed i.e. will not form part of these proceedings.

6.4. The statements of both the counsels are taken on record.

7. The instant contempt petition is disposed of in the aforementioned terms.

RAJIV SHAKDHER, J

FEBRUARY 19, 2021/pmc

Click here to check corrigendum, if any

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