

COCN-2072-2022

Date of Decision : 30.11.2022

Ekta

...Petitioner

Versus

Kuldeep

....Respondent

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

Present : Mr. Anirudh Singh Shera, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Learned counsel for the petitioner prays for permission to withdraw the instant petition with liberty to file a fresh petition with better particulars.

2. In view of the statement of learned counsel for the petitioner, the instant petition is dismissed as withdrawn, with the liberty as prayed for.

3. While hearing the instant petition, learned counsel has brought it to the notice of the Court that order dated 07.09.2022, passed by the learned Addl. Principal Judge, Family Camp Court, Pataudi, directing the respondent-husband to hand over the custody of the minor child to the petitioner-wife at 06:00 p.m. on second Saturday and fourth Saturday of the month and the petitioner-wife would hand over back the custody of the minor child to the respondent-husband on the following Sunday i.e. Second and fourth Sunday at 06:00 p.m., has been challenged by the respondent-husband vide CR No.4161-2022, in which the following order was passed on 27.09.2022:-

“Learned counsel for the petitioner-husband seeks an adjournment as he submits that he intends to seek instructions vis-à-vis the chances of amicable settlement between the parties.

On request, adjournment to 28.10.2022.

In the meanwhile, petitioner shall comply with the impugned order, at least once a month, as so ordered.”

Learned counsel states that till date the respondent-husband has not complied with the order dated 07.09.2022, passed by the learned Addl. Principal Judge, Family Camp Court, Pataudi and has not handed over the custody of the child to the petitioner-wife even on a single date, therefore, the Court may suo-moto take notice of the intentional and willful contempt committed by the respondent-husband.

Order dated 07.09.2022, passed by the learned Addl. Principal Judge, Family Camp Court, Pataudi and order dated 27.09.2022, passed in CR-4161-2022 are taken on record.

Mr. Anirudh Singh Shera, Advocate, who is present in Court, is appointed as Amicus Curiae to assist the Court.

In the facts and circumstances of the case, suo-moto notice is taken of the intentional and willful defiance by the respondent of order dated 27.09.2022, in CR-4161-2022.

Accordingly, issue suo-moto notice to the respondent-husband returnable by 16.12.2022, to show cause as to why proceedings under the Contempt of Courts Act, 1971, be not initiated against him, for intentional and willful defiance of order dated 27.09.2022, in CR-4161-2022.

To be shown in the list of urgent cases.

(B.S. Walia)
Judge

30.11.2022

rajesh