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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CONTEMPT PETITION NO. 263 OF 2023**  
**WITH**  
**INTERIM APPLICATION (ST) NO. 15877 OF 2023**  
**WITH**  
**INTERIM APPLICATION NO. 12618 OF 2023**  
**IN**  
**CONTEMPT PETITION NO. 263 OF 2023**

Abhinav Kohli ... Petitioner/Applicant  
vs.  
The State of Maharashtra and Another ... Respondents

Mr. Abhinav Kohli, Petitioner in person.

Ms. P. P. Shinde, APP for the State.

Ms. Vidisha Rohira and Ms. Sapna Sharma i/b. K.Ashar & Co.  
for Respondent No. 2.

**CORAM : REVATI MOHITE DERE**  
**GAURI GODSE, JJ.**

**DATED : 12<sup>th</sup> DECEMBER 2023**

**ORDER: (PER: GAURI GODSE, J.)**

1. This Contempt Petition is filed seeking various reliefs regarding custody of the minor son of the petitioner and respondent no. 2. Though there is no specific prayer for

initiating any contempt action, perusal of the application indicates that the grievance of the applicant is with respect to non-compliance of order dated 30<sup>th</sup> September 2021 passed in Criminal Writ Petition No. 225 of 2021 filed by the petitioner.

2. The said Writ Petition was filed by the petitioner seeking a Writ of Habeas Corpus to produce the minor child, who, according to the petitioner, was illegally kept away from him by respondent no. 2. Respondent no. 2 is the petitioner's wife and mother of the minor child.

3. By judgment and order dated 30<sup>th</sup> September 2021, the petition was dismissed; however, certain directions were issued for granting access to the petitioner to meet the minor child through video conference and physical access on weekends was permitted for two hours. It was further directed that the said directions shall continue to operate till appropriate orders are passed by the jurisdictional court.

4. Thus, on perusal of the judgment and order dated 30<sup>th</sup> September 2021, it is clear that the directions regarding access were by way of an interim arrangement to be continued for a temporary period till appropriate orders were passed by the jurisdictional court.

5. It is not in dispute that the petitioner has not approached the Family Court, i.e. the jurisdictional court, for seeking relief with respect to access/custody of the minor child.

6. Perusal of the prayers in the Contempt Petition are for seeking custody of the minor child and for orders regarding shared parenting plan. Thus, the prayers made by the petitioner cannot be examined and decided in a Contempt Petition. Though there is no specific prayer in the Contempt Petition regarding the alleged contempt, perusal of page 29 (internal page 12) indicates that it is the petitioner's contention that after the order dated 30<sup>th</sup> September 2021 was passed, the petitioner was not given access on 17<sup>th</sup> November 2022 and that respondent no. 2 completely stopped giving access to meet his son since 15<sup>th</sup>

January 2023. Thus, it appears that the alleged non-compliance, if any, of the directions issued by this court is only after the aforesaid dates.

7. In our view, the directions regarding access to meet the minor child were issued by this court by way of a temporary arrangement to enable the petitioner to approach the jurisdictional court seeking appropriate relief for custody/access. However, the petitioner has not taken any steps to seek appropriate relief within a reasonable time.

8. Learned counsel appearing for respondent no. 2 on instructions of respondent no. 2, who is present in court today, fairly makes a statement that the respondent no. 2 is agreeable to continue the interim arrangement of granting access as per directions issued by this court on 30<sup>th</sup> September 2021 for a period of six weeks from today. Statement accepted. Learned counsel for respondent no. 2, however, submitted that as per clause (i) of paragraph 43 of the said order, the petitioner is entitled to have access of the minor child through video

conference for minimum 30 minutes from 6.00 pm to 6.30 pm on weeks days, subject to convenience and comfort of the minor child. She thus submitted that in view of the daily routine of the minor child, the time of 6.00 pm to 6.30 pm is not convenient for the minor child. Hence, respondent no. 2 shall provide access to the petitioner to meet the minor child through video conference for a minimum 30 minutes from 7.15 to 7.45 pm on weekdays for a period of six weeks from today. Learned counsel for respondent no. 2 on instructions of respondent no. 2 has also agreed to provide physical access to the minor child on every Saturday and Sunday for two hours as directed in clause (ii) of paragraph 43 of the said judgment and order dated 30<sup>th</sup> September 2021, also for a period of six weeks from today. The aforesaid statements made on behalf of respondent no. 2 are accepted.

9. Thus, in view of the aforesaid, the Contempt Petition is dismissed as being misconceived and not maintainable for the reliefs as prayed in the Contempt Petition.

10. Hence, the Contempt Petition is dismissed with a clarification that respondent no. 2 shall abide by her statements as recorded above for a period of six weeks from today to enable the petitioner to seek appropriate relief before the jurisdictional court.

11. Contempt Petition stands disposed of in the above terms.

12. In view of the disposal of the Contempt Petition, all Interim Applications also stand disposed of.

All parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)