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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 364 OF 2023

Anand Bhalakia

R/at: Rekha Building(B wing), 4th Floor

19, Malabar Hill, Mumbai 400 006

... Petitioner

vs.

Neha Bhalakia

R/at: Venus G Wing, 2nd floor, Dr. R.G.

Thadani Marg, Mumbai 400 018.

... Respondents

Ms. Paavani Chadha, for the Petitioner.

Mrs. P.P. Shinde, A.P.P for the State.

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

DATED : 3rd OCTOBER, 2023

ORDER (PER: GAURI GODSE, J.)

1. This petition is filed praying for initiating appropriate action including action under the Contempt of Courts Act, 1971 and under Article 215 of the Constitution of India, alleging willful disobedience of order dated 14th July 2023 passed by us in Criminal Writ Petition (St.) No. 8411 of 2023. It is contended on behalf of the petitioner that the respondent has disobeyed oral

interim arrangement which included the daily video calls from 7.00 p.m to 8.00 p.m to the petitioner to talk to the minor son of the petitioner and respondent.

2. The Criminal Writ Petition(St.) No. 8411 of 2023 was filed by the petitioner seeking writ of habeas corpus and direction to the respondent to produce minor son of the petitioner and the respondent who according to the petitioner was illegally detained by respondent. By an order dated 14th July 2023, we disposed of the said writ petition by recording statement made by the learned counsel on behalf of the respondent that the respondent had no objection to the petitioner meeting their child. Parties had agreed without prejudice to their rights and contentions by way of interim arrangement that the petitioner could meet their son once every fortnight from Friday to Sunday i.e. the petitioner to pick up the child on Friday from residence of the respondent and drop the child back on Sunday by 3.30 p.m.

3. In view of the interim arrangement agreed by the parties nothing survived in the petition seeking writ of habeas corpus, hence we relegated the parties before appropriate forum/court

for seeking access/custody of child. To enable the parties to approach appropriate forum/court for appropriate relief, we directed interim arrangement that was orally agreed by the parties without prejudice to their rights and contentions to continue till 30th September 2023.

4. We are informed that the petitioner has already approached the Family Court for appropriate relief. It is the grievance of the petitioner that pursuant to the oral interim arrangement between the parties, the petitioner attempted to get in touch with the respondent for his daily video calls with the minor child. However, there was no response from the respondent. Hence, it is alleged that the respondent has committed breach of oral interim arrangement.

5. It is necessary to record that it is not the grievance of the petitioner that the interim arrangement as agreed between the parties and as recorded in paragraph 3 of our order dated 14th July 2023 is not complied with. In our order dated 14th July 2023, interim arrangement agreed between the parties is recorded in paragraph 3 of the order and in paragraph no. 5 of

the order we directed that the interim arrangement orally agreed between the parties to continue till 30th September 2023. The interim arrangement which was orally agreed between the parties and as recorded in paragraph 3 of our order was continued till 30th September 2023 to enable the parties to approach the appropriate forum/court for seeking appropriate relief with respect to access/custody of a child. We had also recorded that the said arrangement was without prejudice to rights of either parties.

6. Hence, we do not find that there is any disobedience of our order dated 14th July 2023. It is not even the case of the petitioner that interim arrangement as recorded in paragraph 3 of our order dated 14th July 2023 is not complied with by the respondent.

7. Thus, the contempt petition is devoid of any merits and the same is dismissed.

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)