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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-158-2022 (O&M)

Date of decision: 24.02.2023

Rajan Verma

....Petitioner

Versus

Neha Shoor and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Monika Thakur, Advocate
for Mr. Abhinay Goel, Advocate
for the petitioner.

Mr. Rahul Sharma, Advocate
for respondent No.1.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 23.10.2020 passed by the Additional Principal Judge, Family Court, Jalandhar, vide which while granting a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, it was observed that the petitioner/wife Neha will be the sole custodian of the children, however, the petitioner No.2 i.e. the husband (petitioner herein) will have a right to meet the children as per the compromise twice in a month.

It is alleged that the respondent/wife has now gone to Australia, leaving behind the children and therefore, she has violated the order.

Reply by way of affidavit of the respondent is filed and as per the reply, it is stated that this contempt petition is filed just as a counter-blast to an application filed under Section 26 of the Hindu

Marriage Act for modification of the terms of the settlement of the aforesaid judgment in order to ensure timely migration of her children to Australia and the same is pending consideration with the said Court.

On the face of it, no willful disobedience is made out as the respondent/wife is pursuing her legal remedies.

Accordingly, the present petition is disposed of having been rendered infructuous.

However, liberty is granted to the petitioner to avail the alternative remedy in accordance with law, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

24.02.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No