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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No.3513 of 2023 (O&M)
Date of Decision: 16.11.2023

SUSHMA

.....Petitioner

Vs

KAPTAN SINGH AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The settlement/compromise dated 01.06.2022 arrived at between the parties in mediation proceedings would be mandatory and non-compliance thereto would invite Contempt Petition, is the question before Court.

2. Learned counsel for the petitioner submits that the settlement/compromise was arrived at between the parties i.e. husband, wife, brother and mother-in-law of the petitioner wherein the parties have decided to resolve their matrimonial dispute. It was also stated in the settlement/compromise that the custody of the child would remain with the mother. Learned counsel for the petitioner further submits that although the same was not acted upon on behalf of the petitioner, the husband has now filed a complaint to the District Child Welfare Committee, Karnal alleging that the petitioner has given her son in adoption to someone else.

3. Thus, learned counsel for the petitioner further submits that since

as per the settlement/compromise it was also resolved that both the parties would not file any complaint against each other or their family members from that day, therefore, the action is in violation of the terms of the settlement/compromise and thus the respondent is accountable to be hauled up in the contempt proceedings.

4. I have considered the submissions made by learned counsel for the petitioner.

5. The contempt proceedings are to be initiated only, if this Court is satisfied that its orders have been deliberately and wilfully flouted. The settlement/compromise arrived at between the parties in the mediation proceedings is to be honoured by both the parties, however violation of the said compromise by any other party to the extent of filing application for seeking custody of the child in the changed circumstances would not amount to flouting of the Court's order and would not come in the meaning of contempt. In the opinion of this Court, no case is made out.

6. In view of the aforesaid, this Contempt Petition stands dismissed.

7. All pending applications filed in this Contempt Petition shall stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

November 16, 2023

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No