



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.41 OF 2024
IN
CIVIL WRIT PETITION NO.1131 OF 2016

Chittaranjan Gopalrao Nivargi

... Petitioner.

Versus

Deepali Chittranjan Nivargi

... Respondent.

Mr. Kuldeep Nikam, Advocate for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 19, 2024

P. C.:

1. Contempt is alleged of the orders dated 13th November, 2017 and 9th November, 2023.
2. By order of 9th November, 2023, this Court recorded the undertaking of the Respondent No.1-wife that she will abide by the direction given in the order dated 13th November, 2017. Similar assurance was also given by the Petitioner as regards the compliance of the direction in the order dated 13th November, 2017.
3. Learned counsel appearing for the Petitioner points out

that despite assurance given to this Court, there has been non-compliance as regards access of the child. He submits that after order of 9th November, 2023, as per the agreed time, no access was given and messages were sent of inability to give access. He submits that there is deliberate and willful non-compliance of the order passed by this Court. He further points out *suo moto* contempt notice issued by this Court in the Criminal Writ Petition No.1131 of 2016 by order of 24th April, 2017.

4. Issue notice to the Respondent, returnable after period of three weeks. In addition to Court notice, the Petitioner to serve the Respondent by private notice and to file affidavit of service before the next date.

5. Stand over to 9th February, 2024.

(Sharmila U. Deshmukh, J.)