
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.281 OF 2024

Arjun G. Seonie & Anr.

.. Petitioners

Versus

Jaya A. Seonie

.. Respondent

Mr.Anish Karande a/w Sonal Darbar, Advocates for the
Petitioners.

Mr.Ghanshyam Mishra a/w Ekta Bhalerao, Advocates for
the Respondent.

Mr.Arjun G. Senoie, Petitioner-Husband is present.

Mrs.Jaya A Seonie, Respondent-Wife a/w two children Aryan
& Aariv are present in Court.

CORAM :B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE : SEPTEMBER 02, 2024
(in Chambers at 4.30 p.m.)

P. C.

1. The above Contempt Petition is filed alleging contempt of the order dated 11th January 2024 passed by the District Judge-1, Kalyan in Civil Miscellaneous Application No.94 of 2023. By the said order it was directed that pending the hearing and final disposal of the application for custody, the Respondent, namely the wife, was directed to allow the Petitioner-Husband to take the children Aryan and Aariv

along with him overnight on the weekend. In other words, on every weekend, the wife was to allow the Petitioner-Husband to take custody of the minor children at 8.00 a.m. and the children would be dropped back by the Petitioner- Husband the next day in the morning at 8.00 a.m. Further, the Petitioner-Husband was also allowed to visit the house of the Respondent-Wife on the birthday of the children or on holidays for two hours between 10.00 a.m. to 6.00 p.m., as per the convenience of the parties.

2. This Contempt Petition had come up on 9th August 2024. When we inquired from the advocate for the Respondent-Wife as to why the said order is not being complied with, we were informed that the children are extremely scared of their father and do not want to meet him. Since this is a Contempt Petition and the issues involved in the above matter are with reference to the children, to understand their predicament and wishes, we decided to meet the children. For this purpose we had kept the matter on 12th August 2024.

3. On 12th August 2024 we interviewed the children. Initially they were not willing to meet their father (Petitioner-Husband) at all. However, after much persuasion from us and purely as a stop-gap

arrangement, we convinced the children to meet their father (the Petitioner-Husband) on 18th August 2024 subject to the conditions more particularly set out in the said order. To put it in a nutshell, we stated in our order that (i) the Petitioner-Husband is permitted to meet the minor children Aryan and Aariv at Xperia Mall, Dombivli on 18th August 2024 from 5.00 p.m. to 6.30 p.m.; and (ii) the Petitioner-Husband shall come alone to visit the minor children and will not bring any other relatives or friends with him at the time when he meets the children. The Mother, and her brother, Jince Janardanan were also to accompany the children. We thereafter kept the matter on 19th August 2024. Since we could not take up the matter on the adjourned date the matter has come before us today.

4. Today when the matter is called out, we are informed that the Petitioner-Husband came to Xperia Mall, Dombivli on 18th August 2024 along with his brother. This is despite the fact that the Petitioner-Husband was only allowed to meet the children alone. The explanation given by the Petitioner-husband is that he met the children alone and his brother was only in the same mall. We are afraid we cannot accept this explanation. There was no need for the Petitioner-Husband to be accompanied by his brother to the mall, and that too at the same time he

was supposed to meet his children. When we had made it clear to the Petitioner that he is permitted to meet the minor children in Xperia Mall, Dombivli on his own, we do not understand why the brother of the Petitioner was present at Xperia Mall on 18th August 2024 at the exact time when the Petitioner was to meet the children. This conduct of the Petitioner seriously casts doubt on whether he wants to cultivate a good relationship with his children.

5. Even today, the children (especially the elder child) are very reluctant to meet the Petitioner. We may add here that their reluctance was genuine (especially of the elder son), and at least prima facie, they do not appear to be tutored. Despite this, we once again persuaded them, and purely as a stop-gap arrangement, to meet the Petitioner at Xperia Mall on this coming Sunday, namely, 8th September 2024 between 5.00 p.m. to 6.30 p.m. We now make it abundantly clear that the Petitioner shall come alone and none of his family members or relatives or friends shall be in the vicinity of Xperia Mall at the time when he is meeting the children. At the time he meets the children, the mother of the children as well as the brother of the mother, Mr. Jince Janardanan can remain present.

6. If we find that there is any breach or violation of our order we will not hesitate to issue *suo moto* contempt against the Petitioner.

7. We now place the above matter in Chambers at 4.30 p.m. on 23rd September 2024.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]