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Cont.P.No.276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13..03..2024

**CORAM
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

Contempt Petition No.276 of 2024

Aarcha Jijo

..... Petitioner

-Versus-

Vipin Varghese Ajith

... Respondent

Petition filed under Sections 11 and 12 of the Contempt of Courts Act, 1971, praying to take cognizance of contempt committed by the respondent/respondent/respondent with regard to the orders of this court dated 15.12.2023 made in A.No.6135 of 2023 in O.P.No.757 of 2023 and punish the respondent for committing contempt of order of this court.

For Petitioner

: Ms.K.Sumathi

For Respondent

: Mr.R.S.Managla Kumar

ORDER

This contempt petition has been filed by the applicant in A.No.6135 of 2023 seeking to take cognizance of the contempt committed by the respondent/respondent with regard to the orders of this court dated 15.12.2023 made in A.No.6135 of 2023 in O.P.No.757 of 2023 and punish the respondent for



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committing contempt of order of this court.

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2. The respondent-father is present along with the child. The petitioner-mother is also present.

3. The minor child is studying VIII standard. I have interacted with the minor child separately. The child appears to be very brilliant and the understanding level of the child is really amazing. During interaction, the child himself told that he hate the fight between his father and mother. It seems that the child is very much disturbed due to prolonged hatredness shown by the parents against each other. The child told that the father is annoyed over the behaviour of the mother moving with her male friends. This court is shocked to hear from the child that he is not interested in staying with the mother. According to the child, one of the male friends of his mother is regularly visiting his mother in the evening hours and both of them would chat together separately.

4. In the light of the above situation, when this court has proceeded to interact with both the parents of the child, the respondent (father) started accusing the petitioner (mother) of having an extra-marital affair and the petitioner (mother) accusing of the respondent (father) that he is spendthrift and not useful husband.



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5. Be that as it may, the manner in which parents of the child raised allegations against each other, in the considered opinion of this court, would not be in the best interest of the child. It is for the parents to mend their ways at least for the welfare of the minor child. During interaction this court had an occasion to find that both the parents are not seemingly cordial to maintain their marital relationship.

6. Considering all the above, particularly, shocking revelation made by the child that he is not interested in living with the mother, in the best interest of the child, this court is of the view that directing the custody of the minor child be with the father at present would meet the ends of justice.

7. At this juncture, the parties have agreed before this court for interim visitation right of the child. Accordingly, the father of the child shall hand over the custody of the minor child at 09.00 a.m. on every Sunday and take back the child at 06.00 p.m. on the same day. It is for the petitioner to drop the child at the residential apartment of the mother of the child and take back the child from the residential apartment of the mother of the child at the time specified herein above.



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8. This court once again, at the risk of repetition, expresses its opinion about the minor child that the understanding level of the minor child is amazing and he is brilliant and he has his own ideas and is also capable of giving various ideas to this court. Thus this court is of the view that it is for the parents of the child to sort out their differences of opinion at least for the sake of the minor child.

9. The interim arrangements made above shall continue until further orders from this court and it will take effect from 17.03.2024. It is made clear that there shall not any emotional influence on the child either by the mother or father.

10. Considering all the above, this court is of the firm opinion that no further action is required in the matter and the contempt petition shall be closed.

In the result, the contempt petition is closed, however, with the above observations.

Index : yes / no
Neutral Citation : yes / no
Speaking/Non Speaking order
kmk

13..03..2024

Note: The Registry is directed to list O.P.No.757 of 2023 on 18.04.2024.



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N.SATHISH KUMAR.J.,

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