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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Decision delivered on: 09.04.2024*+ **MAT.APP.(F.C.) 116/2024 & CM Nos.21382-83/2024**

GAUTAM MEHRA Appellant

Through: Mr Prabhjit Jauhar, Adv.

versus

SONIA MEHRA Respondent

Through: Mr Prashant Mendiratta, Ms
Somyashree and Ms Neha Jain, Advs.
along with respondent.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):****CM No.21383/2024**

1. Allowed, subject to just exceptions.

MAT.APP.(F.C.) 116/2024 & CM Nos.21382/2024 *[Application filed on
behalf of the appellant seeking interim relief]*2. This appeal is directed against the order dated 21.03.2024. Via the
impugned order, the Family Court passed the following operative directions:

"8. The petitioner shall drop both the children to the matrimonial house of the respondent at A-20, Ansal Villa, Satbari, New Delhi on 24.03.2024 at 10.00 AM and pick them on the following day i.e. 25.03.2024 by 10.00 AM. Similarly, he shall drop the children to the respondent's house on 30.03.2024 at 10.00 AM and pick them on the following day i.e. 31.03.2024 by 10.00 AM."

3. Mr Prabhjit Jauhar, who appears on behalf of the appellant, concedes



that the said directions were not complied with and instead an application was filed with the Family Court on 23.03.2024 with a prayer to issue necessary directions in view of “subsequent events”. A hard copy of the said application has been placed before us not by the appellant’s counsel, i.e., Mr Prabhjit Jauhar, but by learned counsel for the respondent.

4. A perusal of the application which is accompanied by the photocopy of the ticket issued by the travel agent is indicative of the fact that the passengers named therein, which included the appellant and two children, were to travel to Dubai *via* an Air India flight on 23.03.2024 at 06:05 hrs.

5. Mr Jauhar concedes that the impugned order dated 21.03.2024 was made available to the parties in the evening of the said date. It is, therefore, clear that the appellant had no intention to comply with the impugned order and, in fact, he placed the Family Court in a situation where the order could not be given effect to.

6. According to us, the *modus operandi* adopted by the appellant was, *prima facie*, contumacious. The application, we are told, is still pending before the Family Court.

7. However, having regard to the fact that the spring vacations have passed, this appeal has been rendered inefficacious. Mr Jauhar, however, says that since there is an observation made in paragraph 4 of the impugned order concerning interaction by the learned judge with the children in his Chamber on 18.03.2024, the outcome of the interview should have been recorded in the order.

8. In our view, at this juncture, we need not make any observation with regard to this aspect of the matter. Since an application has been filed, as indicated above, with the Family Court, the learned judge will be at liberty



to record her observations with regard to the interaction that she had on 18.03.2024.

9. We may note that no reference has been made by the learned Judge for initiating contempt proceedings and, therefore, we leave the matter, for the moment, where it is presently positioned.

10. The appeal is, accordingly, closed. Consequently, pending application shall stand closed.

11. For the sake of good order and record, the Registry will scan and upload the hard copy of the application placed before us so that it remains embedded in the case file.

12. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

APRIL 9, 2024

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