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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.) 152/2024**

JATIN WALIA

..... Appellant

Through: Mr Ankit Mehta, Advocate.

versus

PARUL WALIA

..... Respondent

Through: Mr Zakir Husain, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

03.05.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 26140/2024

1. Allowed, subject to just exceptions.

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2. After some arguments, counsel for the appellant/father seeks to withdraw the appeal.

3. To be noted, this is an appeal preferred against the orders dated 20.01.2024 and 24.04.2024 passed by the learned Judge, Family Court-02, Shahdara District, Karkardooma Courts, Delhi.

4. The order dated 24.04.2024 was passed in a “contempt petition” preferred by the respondent/mother to enforce the operative directions contained therein for interaction/visitation rights passed in the order dated 20.01.2024.

5. The only observation that we need to make *vis-a-vis the* order dated 24.04.2024 is that the learned Family Court Judge seems to be under a

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misapprehension that she can exercise powers under the Contempt of Courts Act, 1971. This power is not available to the learned Family Court Judge.

6. The learned Family Court Judge may have to take recourse to appropriate powers under the Code of Civil Procedure, 1908 [in short “CPC”].

7. Given these observations, as prayed, the appeal is dismissed as withdrawn.

8. Consequently, all pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 3, 2024

at

Click here to check corrigendum, if any