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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1381/2022 & CM APPL. 5410/2023, CM APPL.**
18623/2023

SMT. SONIA MALHOTRA

..... Petitioner

Through: Mr. Vidur Kamra, Adv. (Through
VC) along with Petitioner in person
(Through VC).

versus

SH. RAVINDER MALHOTRA

..... Respondent

Through: Mr. Sunil Dutt Dixit & Mr. Sajal Dutt
Dixit, Advs.
M: 9312832910
Email: sddoffice2@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
12.02.2024

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1. The present contempt petition has been filed alleging willful disobedience of the order dated 25th November, 2022, passed in *CA No. 123/2022*, wherein it had been observed that both the parties have arrived at the settlement with respect to the custody of the minor son.
2. By the aforesaid order, it was agreed that the respondent (Father) will hand over the custody of the minor son on the second and fourth Saturday and Sunday to the petitioner and the minor son shall remain in the custody of the mother from 05:00 PM of the second and fourth Saturday till 09:00 PM of the Sunday, i.e., the next day.



3. Since the aforesaid order was alleged to have not been complied with by the father, the present contempt petition came to be filed.
4. This Court had interacted with the minor child, Master Shaurya on 16th January, 2024. This Court had also interacted with the daughter, namely Ms. Shreya, who is now approximately twenty five years of age, in the chamber on the last date of hearing, i.e., 16th January, 2024.
5. This Court notes that the minor son studies at present in Class VIII and is approximately fourteen years of age. Upon interaction with the minor son, this Court found him to be mature. Following the interaction with the minor son, Master Shaurya, it came to the fore that he wanted to meet his mother, however, he did not want to stay overnight with the mother.
6. With the consent of the parties, this Court had directed that the next interaction of the minor son with his mother shall be in the Children's Room of the Delhi High Court Mediation and Conciliation Center at 11:00 A.M. on 03rd February, 2024. This Court had further directed that the Child Counselor shall interact with the child, specially keeping in view the contention raised on behalf of the learned counsel for the petitioner that the minor child was being tutored by the respondent (Father).
7. I have received the Counselor's report in a sealed cover. Upon reading of the Child Counselor's report, it is manifest that the Child Counselor had one-on-one session with the child which lasted for approximately forty minutes.
8. In her report, the Child Counselor has submitted that the child stated that while he was fine meeting the petitioner (Mother) occasionally and that too in public places, he did not want to stay or meet with the petitioner (Mother) in her house. The relevant portions of the Child Counselor's



Report are reproduced as under:

“xxx xxx xxx

1. At the beginning of the session, the context of the meeting [i.e., to interact with the Child in light of the contention that raised from the Petitioner’s side that the child is tutored by the Respondent (borne out from the Order of the Hon’ble Court)] was explained to all the parties. Accordingly, both the parents were asked to leave the room.

2. During one-on-one session with the Child, which lasted for 40 minutes, it was observed that the Child is sensitive and feels a connection with the Petitioner (Mother) and as such wants to meet her. As per the Child, while he is fine meeting the Petitioner (Mother) occasionally and that too in public places, he does not want to stay or meet with the Petitioner (Mother) in her house. Whenever, he sees the Petitioner (Mother) not talking properly to the Respondent (Father) or his sister it disturbs him and he gets discouraged about meeting the Petitioner (Mother).

3. After the session with the Child, I had a session with the Petitioner (Mother) and Respondent (Father) with the Child. The Petitioner (Mother) was advised not to be aggressive/hyper towards the Respondent (Father) and the sister when the Child is around because the Child has been observing her and is not liking her behavior towards his father and sister.

Conclusion Remarks

4. It has been observed that the Child is happy staying with his Father but at the same time, he has feelings for his Mother and wants to meet the Mother twice a week so that the connection remains. The Child at this stage is quite sensitive and gets easily disturbed when the Mother talks rudely with the Father because of the strong bond between the Father and the Child.

xxx xxx xxx”

(Emphasis Supplied)



9. Perusal of the aforesaid Report clearly manifests that the minor son himself has expressed his wish not to stay or meet the mother in her house.
10. Accordingly, it is clear that the respondent (Father) is not guilty of non-compliance of the order dated 25th November, 2022 passed in *CA No. 123/2022*.
11. Accordingly, no further orders can be passed in the present petition.
12. At this stage, learned counsel appearing for the respondent (Father), upon instructions from the respondent who is present in Court, submits that keeping in view the wishes of the Child, the respondent (Father) shall ensure that the minor child meets the petitioner-Mother twice a month. i.e., on second and fourth Saturday.
13. He further submits that he shall bring the child to Pacific Mall, Netaji Subhash Place, Pitampura every second and fourth Saturday from 11:00 AM to 01:00 PM for interaction with the petitioner (Mother).
14. This Court records the aforesaid undertaking made on behalf of the respondent and holds the respondent bound by the aforesaid undertaking.
15. Report submitted by the Child Counselor is returned to be kept under safe custody of the Registry.
16. The Present contempt petition is disposed of, in view of the aforesaid.

MINI PUSHKARNA, J

FEBRUARY 12, 2024/kr