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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1671/2024**
NIKUNJ JAINPetitioner

Through: Mr. Rajiv Singh, Ms. Kriti K
Sarongi, Mr. A. P. Sidharth,
Ms. Saumya Shukla & Mr.
Kanishka Jaiswal, Advs.

versus

ANAMIKA JAINRespondent

Through:

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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23.10.2024

CM APPL. 62356/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CONT.CAS(C) 1671/2024

3. The petitioner/husband is seeking initiation of the contempt proceedings against the respondent/wife for allegedly committing willful disobedience of the direction of the learned Judge, Family Court, East District in GPA No.30/2023.
4. No one is present for the respondent/wife despite sending advance notice.
5. In a nutshell, the petitioner/husband has been granted visitation rights to meet his minor child twice in a month on alternate Sundays at his home so that the child may have a chance to develop an affectionate bond with the petitioner and also with the grandparents.
6. It appears that the respondent/wife has not complied with the directions passed by the learned Judge, Family Court.
7. Although the petitioner moved an application under Section 12



of the Hindu Minority and Guardianship Act, 1956, for the temporary custody of the child, it is a matter of record that for now no temporary custody has been granted *vide* order dated 06.09.2024.

8. It is submitted that although an application has been moved for initiation of the contempt proceedings against the respondent for willful disobedience of the directions of the Court before the learned Judge, Family Court, no order has been passed thereupon except that the learned Judge, Family Court has opined that in such cases, the petitioner should approach the High Court of Delhi.

9. This Court is of the view that each and every infraction of an order or direction passed by the Family Court does not call for invoking the contempt jurisdiction of this Court.

10. In other words, although the contempt petition may be maintainable, however, it is also well-settled that the contempt jurisdiction should be exercised sparingly and in exceptional cases. There is no gainsaying that the Family Court has ample powers under its command under the Family Courts Act, 1984 as well as under the Hindu Minority and Guardianship Act, 1956 to enforce its orders.

11. In view of the above, after some arguments, learned counsel for the petitioner requests permission to withdraw the present petition with liberty to institute appropriate application before the learned Judge, Family Court.

12. The learned Judge, Family Court is impressed upon to pass appropriate directions in accordance with the law so as to ensure compliance of its orders in letter and spirit by the parties concerned failing which it can pass appropriate coercive measures.



13. The petition is dismissed as withdrawn with the aforesaid liberty.

DHARMESH SHARMA, J.

OCTOBER 23, 2024/Ch/Es