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

+ **CONT.CAS(C) 1718/2024 & CM APPL. 63989/2024**

LOKESH PRABHAKARPetitioner

Through: In person.

versus

ARCHNA PRABHAKARRespondent

Through: In person.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **29.10.2024**

CM APPL. 63990/2024

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

CM APPL. 63989/2024

3. This application has been moved on behalf of the petitioner/husband seeking permission to appear in person and argue the matter.

CONT.CAS(C) 1718/2024

4. The petitioner/husband is seeking initiation of the contempt proceedings against the respondent, who is his wife, for her being in wilful defiance of the directions dated 03.06.2023 and 16.01.2024 passed by the learned Family Court, Central District, Tis Hazari Courts, Delhi.

5. Respondent/wife is present in person. She submits that her counsel is not available today.

6. However, having heard the parties in some detail, it appears that



the petitioner/husband is aggrieved since as per him the respondent/wife has not allowed him to have visitation/meeting rights with his daughter, who is 14 years old, on several occasions/dates as which are detailed in Annexures P-3 to the petition. At the same time, it is acknowledged that he has been meeting with the younger son who is nine years old

7. The respondent/wife alluding to the same Annexure P-3 points out that she has been regularly bringing her son to have meeting rights with his father. She, however, submits that the daughter does not want to meet with her father since she witnessed her father assaulting her on several occasions. In this regard, she has referred to the observations made by the learned Family Court in the order dated 16.01.2024, on a careful perusal of which it appears that the learned Family Court had a meeting with the child and she expressed her strong reservations in meeting with her father.

8. The bottom line is that the daughter is now 14 years of age and studying in 9th Standard in a reputed school, and she has a mind of her own. On being asked, the respondent/wife submits that she has always tried to persuade her daughter to meet with her father in vain.

9. *Ex-facie*, this Court finds that there is no cause of action for the petitioner to institute the present contempt petition since there appears to be no wilful or contumacious disobedience to the directions of the Court.

10. Before parting with the petition, it is also noted that the matter is coming up before the learned Family Court on 21.12.2024, whereby fresh reliefs are being sought by the petitioner for providing him visitation/meeting rights with the daughter. As requested by the parties today, let the matter be preponed and be taken up for hearing on



01.12.2024, on which the daughter be called for having fresh counselling session with the learned Family Judge at 04:00 PM. The possibility of a counselling session with a Child Psychologist may also be explored for the overall mental and psychological well-being of the child.

11. Accordingly, the present contempt petition is dismissed without prejudice. The pending application also stands disposed of.

DHARMESH SHARMA, J.

OCTOBER 29, 2024
Sp/SS