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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **MAT.APP.(F.C.) 359/2024, CM APPL. 64343/2024-Exp, CM APPL. 64344/2024-Stay, CM APPL. 64345/2024-Addl.doc.**

**MUKUL KHANNA**

**.....Appellant**

Through: Mr. Anunaya Mehta, Mr. Sunil Magon, Mr. Vidhan Malik and Mr. Neeraj Gulati, Advs alongwith appellant in person

versus

**RASHMI KHANNA**

**.....Respondent**

Through: Mr. R.K. Gupta, Adv alongwith respondent in person

**CORAM:**  
**HON'BLE MS. JUSTICE REKHA PALLI**  
**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**  
**29.10.2024**

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1. The present appeal seeks to assail the order dated 04.10.2024 passed by the learned Family Court in CONTEMPT PETITION NO. 11/2024. Vide the impugned order, the learned Family Court after holding that the appellant was guilty of having committed contempt of Court, has directed the appellant to hand over the custody of the minor child aged 8 ½ years to the respondent for which purpose the matter has been listed before the learned Family Court on 05.11.2024.
2. Learned counsel for the appellant submits that though the appellant had on some occasions failed to strictly abide by the directions issued by the



learned Family Court in respect of visitation rights granted to the respondent, the said failure on his part was on account of compelling circumstances which the learned Family Court has failed to appreciate.

3. Further, uprooting the child at this stage by directing that his custody be suddenly transferred to the respondent for a period of six months will not be conducive for the minor child's emotional well being. He, therefore, prays that the impugned order be set aside.

4. Issue notice.

5. Learned counsel for the appellant accepts notice and vehemently opposes any modification of the impugned order. He submits that learned Family Court was compelled to direct transfer of custody of the minor child from the appellant to the respondent as it was found that even during the limited visitation earlier granted to the respondent, the appellant used to misbehave in the Children Meeting Room, Karkardooma Courts, Delhi so as to prevent the respondent from trying to build a bond with the minor child, who continues to be in the appellant's custody.

6. Further, the appellant has been making repeated complaints not only against him as a counsel but also against the learned Family Judge, the counselor appointed by the learned Family Court and Police personnel as well. He, therefore, prays that the appeal be dismissed.

7. Having considered the submissions of learned counsel for the parties and perused the record, we are of the view that even though the conduct of the appellant in making complaints against the respondent's counsel as also against the learned Family Judge, the counselor and the Police personnel needs to be strongly condemned, the fact remains that the minor child has been in the custody of the appellant since about 3 years and, therefore,



directions to suddenly transfer his custody to the mother at this stage may cause more harm to his psyche. In our opinion, in a case like the present, where the minor child has been residing with the appellant and his parents for the last 3 years, it would be first necessary to make an endeavor to revise the bond between the child and his mother, the respondent.

8. We, therefore, allow the appeal by setting aside the impugned order and directing the appellant to henceforth bring the minor child to Children's playroom, Delhi High Court Mediation Centre, New Delhi for interaction with the respondent/ mother on every Saturday between 04:00 p.m. to 05:30 p.m. During the said period of interaction of the respondent with the minor child in a room, that the appellant will not enter the said room but will be permitted to sit outside the room. However, in case any Saturday turns out to be a Court holiday, the appellant will ensure that the minor child is brought to Children's playroom, Delhi High Court Mediation Centre, New Delhi at the same time on the following Monday. The appellant who is present in Court assures the Court that he will strictly abide by these directions.

9. We further direct that, this modified arrangement will continue till the same is altered by the learned Family Court, who, it is made clear, will be entitled to pass any further orders regarding the visitation rights without being influenced by this order.

10. A copy of this order be forwarded to the Children's playroom, Delhi High Court Mediation Centre, New Delhi for compliance.

11. The appeal alongwith the accompanying applications is accordingly set aside.



12. A copy of this order be given *dasti* under the signature of the Court Master to both sides.

**REKHA PALLI, J**

**SAURABH BANERJEE, J**

**OCTOBER 29, 2024/Ab**