



\$~6

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

+ **CONT.CAS(C) 795/2018 & CM APPL. 43304/2018**

DINESH TALREJA

..... Petitioner

Through: Mr. Ananya Garg, Advocate with
Petitioner-in-person
(Dinesh Talreja, Mob: 9250487660,
Email: dinesh25talreja@gmail.com)

versus

SHIVANI

..... Respondent

Through: Mr. Prakash Gautam, Advocate.
Mob: 9811697059
Email: prakashgautamadvocate@yahoo.co.in
(Shivani Singh, Mob: 9250741455,
Email: Shivani1981d@gmail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.02.2024

%

1. The present petition has been filed alleging non-compliance of the judgment dated 19th May, 2014 passed by the learned Family Court, North-West District, Rohini Court in *HMA No. 484/2014* and order dated 20th July, 2014 passed by this Court in *Crl.M.C. No. 3118/2014*, wherein the parties had entered into a Settlement Agreement dated 26th August, 2013.
2. As per the Settlement Agreement, visitation rights were granted to the petitioner-father to meet the minor daughter twice in a month on 1st and 3rd Saturday, who is in custody of the respondent-mother.
3. Since the interactions were not happening on a regular basis,



therefore, the present contempt petition came to be filed.

4. When the matter was listed before this Court on the last date of hearing, i.e., 8th January, 2024, the Court had directed that the petitioner-father shall meet the minor daughter on 27th January, 2024 at McDonalds, Janakpuri District Centre.

5. Today, both the parties as well as the minor daughter are present in Court. I have interacted individually with the petitioner as well as the respondent, as also the minor daughter, Ms. Deshna in my chamber.

6. Upon interaction with the parties, it has come to the fore that though the visitation took place on 27th January, 2024, however, there was no interaction as such between the petitioner-father and the minor daughter. I have been informed by the petitioner-father during the chamber interaction that the minor daughter does not speak to him. He also submits that on the last meeting which took place on 27th January, 2024, both the petitioner and the minor daughter sat at a distance, with no interaction at all.

7. During the chamber interaction, the respondent-mother has categorically stated that she has no objection if the minor daughter meets her father. She submits that she has always facilitated the interaction between the petitioner-father and the minor daughter, however, the minor daughter herself does not wish to meet the father. She further submits that she has had to literally force the minor daughter to meet the father every time the visitation has taken place.

8. Upon interaction with the minor daughter Ms. Deshna, she has expressed that she does wish to meet her father for the time being. The minor daughter has further expressed that in view of the various directions passed by the Courts time and again, she has met her father per force.



However, she feels mental trauma when she meets her father, as everything is forced upon her.

9. Considering the aforesaid, this Court is of the view that the respondent-wife as such is not guilty of any contempt. The respondent-mother has made every endeavor to comply with the Settlement Agreement dated 26th August, 2013 entered between the parties. Even when the interaction was fixed by this Court on 27th January, 2024, the respondent-mother took the minor daughter for visitation with the petitioner-father.

10. However, the minor daughter has expressed her wish not to meet the father for the time being.

11. The minor daughter, Ms. Deshna, is presently studying in Class 9th and is of 14 years of age. Upon interaction, this Court finds that the minor daughter is an intelligent person having her independent thinking.

12. In view of the aforesaid, this Court is of the considered opinion that there is no violation of the Settlement Agreement by the respondent-mother. Therefore, no further orders can be passed in the present proceedings.

13. At this stage, the petitioner-father has expressed his concern that he wishes to be informed about and be familiar with the well being of his daughter and does not want to be completely isolated from her.

14. Learned counsel appearing for the respondent-mother, upon instructions, submits that respondent-mother shall send a message at least once a year to the petitioner-father on his phone or email and shall inform him about the well being of the minor daughter, as also the progress made by her in her studies. Learned counsel further submits that the respondent-mother will also share a latest photograph of the minor daughter once in a year, when she messages the petitioner-father.



15. Learned counsel appearing for the respondent-mother further submits that the minor daughter, if she so desires, shall contact her father at her own discretion once in a year through telephone call or message.
16. The aforesaid statement is taken on record and it is directed that the parties shall abide by the same.
17. In view the aforesaid, the present contempt petition is disposed of.

MINI PUSHKARNA, J

FEBRUARY 8, 2024
ak