

**IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

C.P.A.N. 1213 OF 2025

Ranajoy Dutta

vs.

Agnidipa Das

For the Petitioner : Mr. Kallol Basu, Advocate
Mrs. Sohini Chakraborty, Advocate
Mr. Bratin Kumar Dey, Advocate
Mr. Samik Sarkar, Advocate

Heard & Judgment on : 29.08.2025.

DEBANGSU BASAK, J.:-

1. Petitioner complains of violation of order no.64 dated June 6, 2025 passed in Act VIII 176 of 2022 CNR No. WBSP01-015291-2022.
2. Learned advocate appearing for the petitioner refers to the directions contained in the order dated June 6, 2025. He submits that, the alleged contemnor did not comply with the conditions recorded in paragraphs 1 and 2 of the order dated June 6, 2025. According to him, there is willful intent on the part of the alleged contemnor in disobeying the order passed by the Court.

3. Learned advocate appearing for the petitioner draws the attention of the Court to the orders passed by the revisional Court on December 11, 2024 and June 13, 2025.
4. Custody of the minor is in dispute in the proceedings pending before the learned Trial Court.
5. Being aggrieved by orders passed from time to time at least those revisional applications were filed. One revisional application is C.O. 4229 of 2024 and it was filed at the behest of the petitioner before us.
6. Two other revisional applications, one at the instance of the petitioner before us and other at the instance of the alleged contemnor, were disposed of by a judgment and order dated June 13, 2025.
7. C.O. 4229 of 2024 was disposed of on December 11, 2024. Revisional Court recorded a finding that, the Court interacted with the minor and that, the Court was of the view that, custody of the minor can be shared temporarily with the petitioner before us.
8. The next judgment and order in the two revisional applications is dated June 13, 2025. The revisional Court kept the relief with regard to implementation of the order dated June 6, 2025 open.
9. Contempt jurisdiction should be sparingly used. Mere non-compliance without being coupled with the intention to violate an order willfully and deliberately, may not result in the Court assuming jurisdiction under the

Contempt of Courts Act, 1971 or under Article 215 of the Constitution of India.

10. In the facts and circumstances of the present case, the welfare of a minor is involved. Courts at diverse points of time interacted with the minor. The order dated June 6, 2025 also records that the Court interacted with the minor.
11. There is the element of discomfort on the part of the minor in staying away from her mother. This was noted in the order dated June 6, 2025.
12. The order dated June 6, 2025 is capable of being modified in the interest of the minor. As a Court exercising powers under the Contempt of Courts Act, 1971 and Article 215 of the Constitution of India it would be improper on our part to merely ensure compliance of the order dated June 6, 2025 when the same would not be in the best interest of the minor. Moreover, we would not be in a position to modify the conditions in the order, if the situation so arose.
13. The petitioner before us is not remediless. Petitioner can avail of such remedies apart from contempt proceedings.
14. In such circumstances, we are not minded to invoke either the provisions of Contempt of Courts Act, 1971 or Article 215 of the Constitution of India in dealing with the affairs of minor in the facts and circumstances of the present case.

15. It is clarified that, none of the observations will prejudice any of the parties. The observations made are for the purpose of deciding whether or not to assume jurisdiction under the provisions of the Contempt of Courts Act, 1971 or under Article 215 of the Constitution of India.

16. **C.P.A.N. 1213 of 2025** is **disposed of**.

(Debangsu Basak, J.)

17. I agree.

(Md. Shabbar Rashidi, J.)