



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CONT. PETITION NO. 186 OF 2025

SOMNATH LAXMAN JAGTAP

VERSUS

MRS. MONALI SOMNATH JAGTAP AND OTHERS

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Mr. Ajit B. Chormal, Advocate for the Petitioner

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for Respondent Nos.1
to 3

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 03, 2026

PER COURT :-

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents, at length.
2. By the present contempt petition, the petitioner prays that the respondent No.1 is guilty of committing the contempt of the order dated 26.02.2020, passed by the learned Ad-hoc District Judge, Shrirampur. According to the learned counsel for the petitioner, on 26.02.2020, the learned Ad-hoc District Judge-1, Shrirampur, has passed an order below Exh.38 in Civ.M.A. No.33

of 2014 (Somnath Laxman Jagtap Vs. Sou. Monali Somnath Jagtap) and thereby granted visitation right to the present petitioner to meet the child in between 4.00 p.m. to 5.00 p.m. in the Court premises. However, respondent No.1 has not obeyed the said order.

3. Per contra, the learned counsel for the respondent submitted that the respondent / wife is always taking the child at the Court premises in between 4.00 p.m. to 5.00 p.m. and she has complied with the order dated 26.06.2020.

4. Needless to say that, the petitioner alleged that the respondent has committed the contempt of the Court by violating the order dated 26.02.2020, passed by the learned Ad-hoc District Judge-1, Shrirampur, below Exh. 38 in Civil M.A. No. 33 of 2014. However, the respondent denied the said allegation and stated that she has obeyed the said order. Therefore, this fact can only be proved by the oral evidence.

5. Since the learned Ad-hoc District Judge-1, Shrirampur, passed the impugned order by invoking the powers conferred under the Hindu Minority and Guardianship Act as well as the Code of Civil Procedure, the petitioner has an alternate efficacious remedy under

Order XXXIX Rule 2A of the C.P.C. The disputed questions of fact cannot be gone into by this Court while invoking the powers under Section 10 of the Contempt of Courts Act. Hence, the present Contempt Petition is disposed off.

[Y. G. KHOBRADE, J.]

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