SAYALI DEEPAK UPASANI

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 263 OF 2024
WITH
INTERIM APPLICATION NO.9616 OF 2024
WITH
INTERIM APPLICATION NO.14053 OF 2024

Hema Bhavin Ravasia … Petitioner

V/s.

The State of Maharashtra … Respondent

Ms. Grishma Lad, through VC with Ms. Priyanka Yadav with Mr. Bharat Gadhavi, for Petitioner.

Mrs. Manisha Jagtap, for Respondent no. 2.

Mr. A. I. Patel, Additional GP with Ms. V. S. Nimbalkar, AGP for State-Respondent no. 1.

CORAM : AMIT BORKAR, J.

DATED : MARCH 26, 2026

P.C.:

1. The present Contempt Petition is filed with an allegation that there is wilful and deliberate disobedience of the order dated 12 December 2022.

2. When this Court carefully looks at that order, it becomes clear that the direction given at that time was limited in

nature. The Court had only dealt with the issue of access and visitation rights of the parents in respect of the minor child. Further, the order itself was operative only for a particular period, namely during December–January 2022–2023. After expiry of that period, the order had worked itself out. However, what is seen in the present proceedings is that subsequent ad-interim orders came to be passed by different Co-ordinate Benches by referring to the said earlier order. Because of this, the dispute continued in different forms and the minor child has been repeatedly brought into litigation. This Court cannot ignore that such repeated litigation, especially when based on a time-bound order, tends to create affects the stability which a child requires.

3. It is necessary to keep in mind the nature of contempt proceedings. Such proceedings are quasi-criminal. Therefore, the standard required is strict. It must be clearly shown that there is a wilful and intentional disobedience of a specific order of the Court. At the same time, in matters concerning custody or access to a child, the Court cannot look at the issue only from the angle of enforcing its order. The welfare of the minor child remains the most important factor. Even if there is some grievance between the parties, the Court must ensure that its process is not used in a manner which causes mental stress or instability to the child. The balance, therefore, has to be maintained between upholding the authority of the Court and protecting the best interests of the minor.

4. In the present case, when the scope of the original order is examined, it is clear that it was limited and time-bound. The alleged breach is sought to be made out by relying on circumstances which go beyond that original scope. Contempt jurisdiction cannot be expanded to cover issues which properly belong to a different forum or require detailed adjudication on facts. If such an approach is adopted, contempt proceedings would become a substitute for regular remedies, which is not permissible. Therefore, this Court is of the opinion that the present petition does not call for exercise of contempt jurisdiction.

5. The disputes between the parties are essentially related to custody, access, and rights concerning the minor child. These are matters which require detailed consideration of facts, evidence, and the evolving needs of the child. The proper forum for such adjudication is the Family Court, which is specially equipped to deal with such sensitive issues. The parties must, therefore, be directed to approach the Family Court and seek appropriate reliefs in accordance with law. That forum can consider all relevant aspects, including the present circumstances of the child, and pass suitable orders.

6. In view of the above discussion, this Court does not find it appropriate to continue with the present contempt proceedings. At the same time, it is clarified that the rights and contentions of both parties are kept open. They are at

liberty to agitate all issues before the competent forum. Consequently, the present Contempt Petition stands disposed of. The order dated 25 March 2026, which was passed in the course of these proceedings is recalled.

7. In light of disposal of the main petition, nothing survives in the Interim Application. The same also stands disposed of accordingly.

(AMIT BORKAR, J.)