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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 375/2026 & CM APPLs. 33305/2026, 33306/2026 & 33307/2026

MRS. ABHILASHA SINGH

.....Appellant

Through: Dr. Janak Raj Rana & Ms. Akshita Pandey, Advs.

Versus

LT. COL. HITENDRA SINGH

.....Respondent

Through: Ms. Jyoti Sharma, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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15.05.2026

1. This intra-court Appeal has been filed challenging the Order dated 07.05.2026 ("**Impugned Order**") passed in CONT. CAS.(C) 1146/2025 ("**Contempt Petition**") whereby CM APPL 30851/2026 filed on behalf of the Appellant for modification of Order dated 04.05.2026 was dismissed.
2. The Appellant and the Respondent are legally wedded wife and husband having two minor children born out of the said wedlock. It is the case of the Appellant that due to irreconcilable differences, the Appellant and Respondent are living separately and are embroiled in matrimonial litigation including custody and guardianship of the minor children.
3. The Appellant has contended that the Respondent has filed the Contempt Petition against the Appellant alleging non-compliance of certain directions passed by the Court in order to harass her as the Respondent is habitual in filing contempt petitions. The Appellant has submitted that the Appellant has consistently abide by all the directions and orders passed by



the Court previously and, therefore, the Contempt Petition is an abuse of process of law.

4. The Appellant had filed an appeal under Section 19 of the Family Courts Act, 1984 being MAT.APP.(F.C.) 287/2024 (“**MAT Appeal**”) before this Court challenging the Order dated 24.08.2024 passed by the learned Family Court, Dwarka, New Delhi in GP No.122/2023. *Vide* Order dated 18.02.2025, the MAT Appeal was disposed of by recording the consent between the Appellant and the Respondent that the Order dated 24.08.2024 passed by the learned Family Court may be modified by directing that the Appellant will drop minor children at the official accommodation of the Respondent at 11:00 AM on every alternate Sunday i.e. first and third Sunday of the month, whereafter the Respondent will drop back the children to the residence of the Appellant at 4:30 PM on the same day.

5. The Respondent filed a Contempt Petition before this Court alleging wilful and deliberate disobedience of the directions contained in Order dated 18.02.2025 passed in the MAT Appeal.

6. During the pendency of the Contempt Petition, CM APPL 24666/2026 was filed by the Respondent for apprising the Court about continuing contempt allegedly committed by the Appellant of the directions passed for visitation of the minor children during the pendency of the Contempt Petition.

7. *Vide* order dated 04.05.2026, it was observed by the learned Single Judge that the direction contained in the Orders dated 12.11.2025 and 20.02.2026 passed in the Contempt Petition were not complied with by the Appellant since the visitation between the Respondent and his children was



not accorded in terms thereof. It was further observed in the said order that the Appellant insisted that the children themselves were not desirous of interacting with the Respondent. Accordingly, the learned Single Judge directed in the Order dated 04.05.2026 that a visitation between the Respondent and children shall take place on 08.05.2026 at the Delhi High Court Mediation and Conciliation Centre (“**DHCMCC**”) from 4:00 PM to 6:30 PM in presence of a child counsellor. It was further directed that the Appellant shall not remain present at the time of said visitation and since the birthday of one of the children was on the said date, the Respondent was permitted to celebrate the same during the said visitation. The order further directed that the child counsellor shall observe the visitation and furnish a report and if the said report recorded that there is no difficulty in interaction between the Respondent and the children, the future visitations shall take place as contemplated in Orders dated 12.11.2025 and 20.02.2026 passed in the Contempt Petition. The Contempt Petition was directed to be listed on 11.05.2026.

8. The Appellant filed CM APPL 30851/2026 for modification of the Order dated 04.05.2026 to the extent that the birthday celebration of the minor child on 08.05.2026 be permitted to be held at a neutral, child-friendly venue, to be mutually decided by the Appellant and the Respondent, in the presence of child’s friends. The said Application further sought direction that the Appellant and the Respondent shall be at liberty to take photographs and / or make a video recording of the celebration, which shall be submitted to the Court for its perusal.



9. *Vide* Impugned Order, CM APPL 30851/2026 was dismissed by the learned Single Judge by recording that the directions contained in the Order dated 04.05.2026 mandating visitation in the DHCMCC in the presence of a child counsellor were passed with a view to ensure that the interests of the children were protected. It was further observed in the Impugned Order that it was deemed necessary that the visitation took place in presence of a child counsellor and appropriate directions for the said purpose were issued. The learned Single Judge in the Impugned Order has held that no ground was made out for modification of the directions contained in the Order dated 04.05.2026 and the fact that birthday of one of the children is on 08.05.2026 cannot constitute a ground to modify the said order and in fact the Order dated 04.05.2026 was passed keeping that aspect in mind.

10. The Impugned Order further directs that if there is any non-compliance on part of the Appellant to comply with the directions contained in the Order dated 04.05.2026 the same will amount to wilful disobedience of the order passed by this Court.

11. When the Contempt Petition was listed on 11.05.2026, it was brought to the notice of the learned Single Judge that the directions contained in the Orders dated 04.05.2026 and 07.05.2026 passed in the Contempt Petition were not adhered to by the Appellant. The Order dated 11.05.2026 also records that as per the report of the child counsellor, the Respondent and the child counsellor kept waiting at DHCMCC till 6:15 PM on 08.05.2026 and the Appellant did not have curtesy of informing that she would not be bringing the children for visitation. The said order further records that the Appellant provided reasons that there were some medical circumstances



with regard to one of the children, however, the learned Single Judge has observed that the medical circumstances cited by the Appellant were not of emergent nature so as to justify non-compliance with the orders passed by the Court. Accordingly, the learned Single Judge has found that the Appellant has committed wilful disobedience of the orders passed by this Court and she is held guilty of contempt of Court. The learned Single Judge has listed the Contempt Petition on 18.05.2026 for orders / arguments on sentencing. In the meanwhile, the learned Single Judge has given an opportunity to the Appellant to purge her conduct by directing visitation between the Respondent and the Children on 16.05.2026 from 2:00 PM to 4:30 PM and expected that the Appellant would cooperate and facilitate the same.

12. The learned Counsel for the Appellant has submitted that the Appellant is a primary caregiver and is intimately aware about the child's medical needs and solely responsible for managing the child's condition. It is further submitted that the Appellant has strictly and diligently obeyed and complied with the Court orders by facilitating the children's relationship with their father. The learned Counsel for the Appellant alleged that the Respondent is in habit of filing frivolous applications for contempt in order to harass the Appellant.

13. The learned Counsel for the Appellant submitted that the Impugned Order has modified the order passed by the Division Bench of this Court in the Order dated 18.02.2025 in the MAT Appeal which was not permissible in law. He further submitted that the learned Single Judge failed to take into consideration the interest of the child's happiness and emotional well being



on his birthday by rejecting modification of Order dated 04.05.2026 *vide* the Impugned Order. It was further submitted that the learned Single Judge did not consider that the child be allowed to celebrate his birthday at a neutral, child-friendly venue to be mutually decided by both parties in presence of his friends so that the both parents could be part of the celebration in a normal and healthy environment.

14. The learned Counsel for the Appellant submitted that the Impugned Order has not only entertained the merits of the dispute but also proceeded to pass a new order, which completely altered the substantive visitation arrangement settled between the parties before the Division Bench of this Court as recorded in order dated 18.02.2025 in the MAT Appeal, which is clear overstepping the limited jurisdiction vested in a Contempt Court. It was submitted that by passing the Impugned Order while exercising the contempt jurisdiction, the learned Single Judge has effectively nullified the spirit and intent of the substantive orders passed by the Division Bench of this Court, particularly when such orders pertain to the paramount welfare of the minor children.

15. It was submitted on behalf of the Appellant that the Impugned Order is fundamentally flawed as it fails to recognize that the child's welfare is paramount and all proceedings concerning the child including the contempt proceedings are not subordinate to the welfare principle.

16. The learned Counsel for the Appellant submitted that the Court while exercising contempt jurisdiction cannot interpret a judicial order differently from the manner in which it plainly reads. It is settled law that the contempt court cannot effectively modify a substantive order under the guise of



interpretation. It was submitted that the learned Single Judge by creating a new visitation schedule and venue has instead of interpreting the Division Bench, fundamentally altered the same, which power the contempt court does not possess.

17. It was further submitted on behalf of the Appellant that the Impugned Order is arbitrary, unreasonable as it refuses to permit a child to celebrate his birthday in a normal, festive and child-friendly environment as a birthday is a significant emotional and developmental milestone for a child and forcing a celebration to occur in a sterile and intimidating environment of a court-annexed Mediation Centre is traumatic and antithetical to child's best interest. It was further submitted that the Impugned Order created a false equivalence between a regular, court-mandated visitation and a special celebratory occasion. It was submitted that the learned Single Judge ought to have considered the practical realities and emotional needs of the child rather than adhering to strict interpretation of a general visitation order.

18. The learned Counsel for the Appellant submitted that a Contempt Court while enforcing the orders passed by the Court cannot pass directions that are contrary to the fundamental principles of justice especially when it relates to the paramount welfare of a minor child.

19. In view of the above submissions, learned Counsel for the Appellant submitted that the Impugned Order deserves to be set aside insofar as it modifies the Order dated 18.02.2025 passed by the Division Bench of this Court in the MAT Appeal.

20. We have heard the learned Counsel for the Appellant.



21. From the perusal of the series of orders passed in the Contempt Petition, it is evident that the Appellant has been disobeying the orders by not complying the same on some pretext or the other.

22. The Order dated 18.02.2025 by the Division Bench of this Court in MAT Appeal was passed by consent of the Parties whereby the order passed by the learned Family Court was modified by granting the visitation right to the Respondent on every alternate Sunday between 11:00 AM to 4:30 PM at the residence of the Respondent. However, the Appellant did not comply with the same and the Contempt Petition had to be filed by the Respondent.

23. During the course of the Contempt Petition Order dated 12.11.2025 was passed which recorded the arrangement between the parties for the visitation of the children after interacting with them by the Court. Despite the agreement between the parties as recorded in Order dated 12.11.2025, the same was not complied with by the Appellant as she was present at the time of visitation. The same was recorded in the order dated 20.02.2026 passed in the Contempt Petition, wherein the Appellant was cautioned against disregarding the directions contained in the Order dated 12.11.2025. The Order dated 12.02.2026 passed in Contempt Petition also made it clear that any infringement or violation of the directions passed by the Court by the Appellant shall be considered as wilful and egregious contempt of the orders passed by this Court.

24. As the Appellant did not comply with the directions contained in Orders dated 12.11.2025 and 20.02.2026 passed in the Contempt Petition, the Respondent preferred CM APPL 24666/2026, which came up for hearing before the learned Single Judge on 04.05.2026. The learned Single



Judge while recording the insistence of the Appellant that the children were not desirous of interacting with the Respondent in order to allay this apprehension directed that the visitation will take place in the presence of a child counsellor at a neutral venue of DHCMCC on 08.05.2026 from 4:00 PM to 6:30 PM.

25. As the Appellant filed CM APPL 30851/2026 for modification of Order dated 04.05.2026, *vide* Impugned Order the said Application was dismissed while recording that the direction contained in Order dated 04.05.2026 mandating visitation in DHCMCC in the presence of a child counsellor were passed with a view to ensure that the interests of the children were protected. The learned Single Judge has also recorded in the Impugned Order that since birthday of one of the children was on 08.05.2026, the Order dated 04.05.2026 was passed keeping that aspect in mind and the same cannot be the ground for modification of the said order.

26. Accordingly, the learned Single Judge has kept the interest of the children in mind while passing the order in the Contempt Petition. As the Appellant continuously violated the orders passed by this Court in MAT Appeal as well as in the Contempt Petition, there was no option but to direct the visitation in presence of a child counsellor in view of the submissions made by the Appellant that the children were not desirous of interacting with the Respondent.

27. The Appellant has not challenged the Orders dated 12.11.2025, 20.02.2026, 04.05.2026 and 11.05.2026 passed in the Contempt Petition in this Appeal. The only order which is challenged in the present Appeal is the Impugned Order passed in CM APPL 30851/2026 for modification of order



dated 04.05.2026 whereby the Appellant had sought modification of the Order dated 04.05.2026 to the extent that the birthday celebration of the minor child on 08.05.2026 be permitted to be held at a neutral, child-friendly venue in the presence of the child's friends. The learned Single Judge has recorded reasons for rejecting such modification while keeping the interest of the child in mind.

28. Despite clear directions and cautioning the Appellant in each of the orders passed in the Contempt Petition, the Appellant has not complied with any of the directions contained in the said orders, which is recorded in Order dated 11.05.2026 wherein it is found that the Appellant has committed contempt of court. To give another chance to purge the contempt, the learned Single Judge has given a chance to the Appellant to permit a visitation between the Respondent and the children on the same terms as set out in the Order dated 04.05.2026 to take place on 16.05.2026 from 2:00 PM to 4:30 PM and has expected the Appellant to cooperate and facilitate the same.

29. Considering that the Appellant has wilfully disobeyed the directions in several orders passed by the learned Single Judge, no indulgence can be granted to her unless she purges the contempt committed by her by complying with the directions as contained in order dated 11.05.2026.

30. The Impugned Order does not modify or substitute the Order dated 18.02.2025 passed by the Division Bench of this Court in MAT Appeal and it only reiterates the order dated 04.05.2026 by rejecting the prayer of the Appellant for modification of the said order. In view of the same, the submission on behalf of the Appellant that the learned Single Judge has



modified the direction contained in order dated 18.02.2025 passed by the Division Bench of this Court in MAT Appeal is misconceived. In any event, the previous orders passed by the learned Single Judge in the Contempt Petition were passed by consent of the parties and never challenged by the Appellant.

31. Accordingly, the submissions by the Appellant that the Impugned Order has modified the directions contained in order dated 18.02.2026 passed by the Division Bench of this Court in MAT Appeal cannot be accepted. Further, the Appellant has failed to comply with any of the directions and, therefore, before punishing the Appellant for contempt of the court, the learned Single Judge has given an opportunity to the Appellant to purge her conduct by permitting visitation of the children on 16.05.2026.

32. In view of the above, we are of the opinion that the Impugned Order does not require any interference as the learned Single Judge has passed the directions while keeping the interest of children in mind. Accordingly, the present Appeal is devoid of any merit and is hereby dismissed. The pending Applications also stand disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 15, 2026

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