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

+ **CONT.CAS(C) 1002/2022**

CHANPREET SINGH

..... Petitioner

Through: Ms. Malavika Rajkotia, Ms. Trisha Gupta, Mr. Namit Suri and Ms. Purnima Singh, Advs.

versus

SUKHMANI KAUR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **18.11.2022**

CM APPL.41316/2022 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CONT.CAS(C) 1002/2022

1. The present petition alleges wilful disobedience/non-compliance with the directions contained in the order dated 20.04.2022, passed by Ld. Judge, Family Court, Patiala House Court, New Delhi, in HMA No.696/2019. Vide the aforesaid order dated 20.04.2022, it was specifically directed as under:

“Ld. Counsel for petitioner submits that as per information received by the petitioner, the respondent has come to India with child and the petitioner wants to meet the child. There is also apprehension that respondent may again leave the country with child.

Ld. Counsel for the Respondent submits that he has not information about the respondent and the child being in India and he will take instruction in this regard.

In case the respondent and the child are in India, the



respondent is directed to not leave the country with the child before the next date and to appear before the court with the child on the next date. In case there is any reason due to which she needs to leave the country before the next date, she will mention the matter with advance notice to the Ld. Counsel for the Petitioner so that the matter can be preponed for hearing of the application of the petitioner u/s 151 CPC.”

[emphasis supplied]

2. Learned counsel for the petitioner submits that subsequently, on a perusal of the pleadings, filed on behalf of the respondent before the concerned court, and also during the course of proceedings on 30.04.2022, it transpired that the respondent had, in fact, left India in contravention of the directions vide aforesaid order dated 20.04.2022. The order dated 30.04.2022 passed by the concerned court, records as under:

“Application of the petitioner u/s 151 CPC dated 20.04.2022 filed on last date i.e. 20.04.2022 is also listed today. By way of this application, the petitioner had prayed for direction to the respondent to deposit the passport of the child in the court and not to remove him from the jurisdiction of this court. It was stated that the respondent was visiting India with the child. Ld. Counsel for the respondent submitted that he was not aware whether the respondent and the child were in India and he needed to take instruction. Ld. Counsel also wanted time to file reply. Respondent was directed not to leave India with the child till today. She was given liberty to mention the matter for preponing in case she had to leave before today. It is submitted that Ld. Counsel for the Respondent has tested positive for Covid-19. Ld. Proxy counsel for the respondent on instruction submits that Respondent has already left. They are not aware about the date on which she left. In the reply to be filed by the respondent, it be specifically mentioned whether the respondent was in India on 20.04.2022. If yes, the date on which she left India. Copy of the passport of the child be annexed with the reply.”

[emphasis supplied]



3. *Prima facie*, it appears that the respondent has acted in contravention/breach of the aforesaid order dated 20.04.2022, passed by Ld. Judge, Family Court, Patiala House Court, New Delhi, in HMA No.696/2019.
4. Issue show cause notice to the respondent as to why she should not be held guilty of committing contempt of court under Section 2(b) read with Section 10 and Section 12 of the Contempt of Courts Act, 1971.
5. Let reply to the show cause notice be filed by the respondent within a period of four weeks from today.
6. List on 19.12.2022.

SACHIN DATTA, J

NOVEMBER 18, 2022/cl