

Amit Malhotra Vs. Meena Malhotra

COPC No.42 of 2023

16.10.2024 Present: Mr. Kulwant Singh Gill, Advocate, for the petitioner.

Mr. Vinay Kumar, Mr. Sonu Kumar and Mr. Amit Dhumal, Advocates, for the respondent.

Petitioner, respondent as also their son-Master Ridit Malhotra have attended the hearing. The Court has interacted with the parties. Their learned counsel have also made submissions.

2. The petitioner has alleged non-compliance of the interim order dated 06.12.2018 passed by the learned Family Court, Dwarka, New Delhi, granting him visitation rights for meeting his son. It is an admitted position of the parties that guardianship proceedings preferred by the petitioner were transferred by the Hon'ble Apex Court on 01.07.2019 from Family Court Dwarka, New Delhi to the Family Court Dehra, District Kangra, H.P. It is a matter of record that in a habeas corpus writ petition preferred by the petitioner before the Hon'ble Delhi High Court, the respondent had undertaken to comply with the directions issued on 06.12.2018 and on that basis, the writ petition was disposed of on 10.02.2021. Special Leave to Appeal preferred by the respondent, assailing the order dated 10.02.2021, was dismissed by the Hon'ble Apex Court on 17.05.2022.

The petitioner had instituted contempt petition before the Hon'ble Delhi High Court, alleging non-compliance of the visitation rights granted to him under order dated 06.12.2018. The contempt petition was disposed of on 25.02.2022 as withdrawn with liberty to the petitioner to approach the Court concerned.

In the above background, the petitioner has preferred the instant contempt petition.

3. I have considered the orders passed by the learned Principal Judge, Family Court, Kangra in the matter. It appears that both sides have moved applications for modification of interim order dated 06.12.2018. Both the applications are still stated to be pending adjudication despite the fact that the learned Court was directed vide order dated 01.04.2023 passed in Civil Revision No.182 of 2022 to decide the applications preferred by the petitioner as well as respondent for modification/clarification of the order dated 06.12.2018 expeditiously. Be that as it may.

4. The respondent has expressed her own apprehension in letting the petitioner meet his son. The petitioner has his own grievances that he has not been able to meet his child. That he has not been able to develop bond with his child for years together.

5. In the given facts and circumstances, at the first instance, it would be prudent to direct the respondent to

take the child to the office of the Chairperson, Child Welfare Committee, Kangra at Dharamshala on **02.11.2024** at **11:00 am**. It is for the petitioner to remain present in the office of the Chairperson, Child Welfare Committee, Kangra at Dharamshala on the said date at 11:00 am. He shall be allowed to meet the child in presence of the Chairperson in his office on that day for two hours from 11:00 am to 1:00 pm. The respondent shall not be allowed to interfere in the meeting. She would be permitted to collect the child at 1:00 pm. The date has been given with consent of all concerned parties including the petitioner and respondent.

The Chairperson, Child Welfare Committee, Kangra at Dharamshala is directed to submit his report to the Court about the interaction between the petitioner and his family members, specially with the child Master Redit Malhotra, by the next date of hearing.

List the matter in the Court on **14.11.2024**.

A copy of this order be brought to the notice of the Chairperson, Child Welfare Committee, Kangra at Dharamshala by the office of learned Advocate General.

October 16, 2024
Mukesh

Jyotsna Rewal Dua
Judge