

**Court No. - 39**

**Case :-** FIRST APPEAL No. - 780 of 2018

**Appellant :-** Navinderjeet Kaur

**Respondent :-** Sukhdeep Singh

**Counsel for Appellant :-** Pramod Kumar Sinha

**Counsel for Respondent :-** Mewa Lal Shukla, Nitin Sharma, Varinder Singh, Vikrant Gupta

**Hon'ble Saumitra Dayal Singh, J.**

**Hon'ble Donadi Ramesh, J.**

1. Heard Sri Pramod Kumar Sinha, learned counsel for the appellant and Sri Nitin Sharma along with Ms. Shruti Mishra, learned counsel for the respondent.

2. By the order impugned in this appeal, the custody of the minor children has been given over to the father. By detailed order dated 18.12.2018, operation and effect of the order impugned was stayed subject to visitation rights in favour of the respondent.

3. It has now come on record that visitation rights thus granted, were obstructed.

4. *Prima facie*, it appears that respondent could not have availed the visitation rights vis-a-vis his daughter as the appellant got her daughter admitted to a boarding school/hostel at Shimla. Also, the appellant appears to have shifted from place of residence of Rudrapur in Uttarkhand to Mohali in Punjab.

5. However, two remarkable and unacceptable facts are that the appellant never informed the Court about the change thus made and she did not seek any modification in the interim order to allow for that order to be given effect to, in the changed circumstances.

6. Unless the terms of the interim order were modified, the respondent could not have availed the visitation rights as the date, place and time of visitation was fixed by the interim order and the exercise of visitation rights was strictly regulated by that order.

7. Thus, *prima facie*, it also appears that appellant may have acted in a manner to deliberately defeat the interim order granted by this Court.

8. If that be so, the appellant may have exposed herself to the

contempt of this Court. However, before we pass any further order, in the best interest of the children, we had required the parties to be present in the Court today. While the respondent is present, the appellant is not present. She has also not moved any exemption application. Only an oral statement has been made by her counsel that she could not appear because of some difficulties.

9. We do not appreciate such conduct of the appellant.

10. Accordingly, put up on 29.08.2024 on which date, the appellant shall remain present in Court alongwith her minor son. Inasmuch as, the daughter is presently living and studying at Shimla, she is not required to be present on the next date.

**Order Date :- 22.8.2024**

P Kesari

**(Donadi Ramesh, J.) (S.D. Singh,J.)**