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

\# **CNR No. DLHC010547402026**

\+ CONT.CAS(C) 2090/2026, CM APPL. 78801/2026

.....Petitioner

Through: Appearance not given.

versus

.....Respondent

Through: None.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

O R D E R

% 18.11.2026

1. Contempt Petition under Article 215 of the Constitution of India read with Sections 2(b), 10 and 12 of the Contempt of Courts Act has been filed against the Respondent for willful and deliberate disobedience of Order dated 08.08.2026, passed by learned Additional Principal Judge, Family Courts, South-West District, Dwarka Courts, New Delhi in Guardianship Petition No.90/2024.

2. It is submitted in the present Petition that Guardianship Petition No.111/2023 had been filed by the Petitioner / father for custody of his minor son

3. During pendency of the proceedings, parties arrived at Settlement dated 05.01.2024 before Counselling Cell, Family Court, Dwarka, Delhi. Under this Settlement, Petitioner was permitted to meet the child once every two months for approximately 3-4 hours. This arrangement also contemplated Video Calls on 01st and 03rd Sundays between 07:30 PM and

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08:00 PM.

4. *Accordingly, the Guardianship Petition withdrawn in terms of the aforesaid Settlement.*

5. Petitioner further stated that earlier he was working in Hyderabad, thereafter, he has relocated himself in Dwarka, Delhi. On account of his relocation, he filed a fresh Guardianship Petition No.90/2024 and has sought appropriate modifications of visitation arrangements.

6. The proceedings culminated in impugned Order dated 08.08.2026, wherein suitable modification in earlier visitation arrangements were made, are as under:

> "***a) First Saturday:*** *The petitioner is entitled to interact with the minor child for approximately two to three hours at Vegas Mall, Sector-14, Dwarka, in terms of the earlier order dated 30.05.2025. The respondent is required to remain at a reasonable distance during the interaction.*
>
> ***b) Third Saturday:*** *The interaction between the petitioner and the minor child is to be unsupervised. The petitioner is entitled to pick up the child from the respondent's residence and return the child after approximately two to three hours.*
>
> ***c) School and health information:*** *The respondent is directed to furnish information regarding the child's school progress and health conditions as and when required.*
>
> ***e) Continuation of earlier order:*** *Except for the aforesaid modification, the remaining directions contained in the order dated 30.05.2025 are to remain intact.*

7. Modification Application was accordingly, disposed of.

8. Petitioner stated that notwithstanding the aforesaid Order, Respondent has failed to facilitate visitation, in accordance with judicially prescribed arrangements and has continued to obstruct the Petitioner's access to the

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minor child. The copies of the WhatsApp Chat between the Petitioner and the Respondent, subsequent to Order dated 08.08.2026 have been annexed with the Petition, which are as under:

S. No.	Date	Nature of Visitation	Steps By Petitioner	Respondent's Conduct
1.	15.08.2026	Third Saturday: Unsupervised interaction: pickup from respondent's residence and return after 2-3 hours	Petitioner shared the order dated 08.08.2026 and sought to know the time to pick up the child	Respondent replied that the child is not well and provided no further information.
2.	22.08.2026	-	Petitioner asked for an update on the health of the minor child and asked Respondent whether he could pick up the child the same day or the next day in lieu of the missed previous third Saturday.	No reply from the Respondent.
3.	19.09.2026	Third Saturday: unsupervised interaction; pickup from respondent's residence and return after 2-3 hours	Petitioner planned on 17.09.2026, Thursday and contacted in advance for the upcoming third Saturday.	Respondent replied that the child is not well and provided no further information.
4.	03.10.2026	First Saturday: supervised interaction at Vegas Mall	Petitioner sought the availability of the Respondent and the Minor child.	Respondent complied but took away the minor child in less than 2 hours.
5.	15.10.2026	Third Saturday: unsupervised interaction: pickup from respondent's residence and return after 2-3 hours	Petitioner planned on Friday and contacted in advance for the upcoming third Saturday.	Respondent did not reply.
6.	16.10.2026	Third Saturday: unsupervised interaction; pickup from respondent's residence	Petitioner sought time on Saturday in the morning at approx. 11:39 am.	Respondent did not reply.

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		and return after 2-3 hours		

9. The Petitioner asserts that his grievance is not that the Respondent had declined the proposal for visitation, which was never judicially approved. His grievance is that the Respondent failed to facilitate the interaction, in terms of the Order of the Learned Family Court. Respondent cannot unilaterally substitute her own preferred arrangement, as against that which has been expressly directed by the Court. In case, Respondent considered the directions inappropriate, impractical or contrary to the welfare of the child, the lawful course was to seek appropriate relief from the Competent Court.

10. The Petitioner has submitted that the actual instances of non-compliance reflects that Respondent has committed civil contempt.

11. It is further stated that Petitioner has filed Execution Petition bearing EX Civil 56/2026 before the learned Family Court for seeking the enforcement of the order. The matter is listed for 08.12.2026 along with the main Guardian Petition No.90/2024.

12. The Petitioner has approached the learned Executing Court for enforcement of the Order through appropriate procedural mechanism. The Petitioner claimed that the Execution Proceedings and the contempt jurisdiction are legally distinct matters. While the execution concerns enforcement of operative direction through the process available before the Court concerned, the present Petition seeks the action against Respondent for willful disobedience under Contempt of Courts Act.

13. The pendency of the Execution Petition automatically establishes the contempt, for which the action be initiated against the Respondent.

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14. The Petitioner has further explained that the Respondent has preferred MAT.APP.(F.C.)No.364/2026 before this Court to challenge the Order dated 08.08.2026, which is listed for 19.01.2027.

15. The Petitioner submits that mere filing of an Appeal does not amount to stay or suspension of the challenged Order, especially when no stay of the visitation direction has been granted to the Respondent.

16. It is asserted that the welfare of the child is paramount and he does not seek to expose the child to conflict or compel an interaction in circumstances, contrary to an operative judicial direction or to obtain custody beyond what has been ordered. The Petitioner merely seeks compliance of the Order of the learned Family Court.

17. The Petitioner has submitted that the Respondent had contested the Petitioner's Application for modification of visitation rights. After hearing her grounds of opposition, the Application and after considering the totality of the circumstances, the Order dated 08.08.2026 has been passed. The unilateral frustration of a Court-ordered arrangement, defeats judicial authority.

18. Petitioner has thus, filed present Contempt Petition for initiating contempt proceedings against the Respondent.

Submissions heard and record perused.

19. Present Contempt Petition pertains to Order dated 08.08.2026, whereby earlier visitation arrangement has been modified, in view of Petitioner's relocation from Hyderabad to Dwarka, Delhi. The main grievance of the Petitioner is that, despite directions of the Court, the Respondent is not abiding by the Orders and permitting the Petitioner to avail visitation rights.

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20. While considering the Guardianship Petition, it is pertinent to know that it is not a battle of wits and egos between the parents, but it is the interest of the child, which is of *paramount consideration*.

21. As per the Petitioner himself, he was earlier working in Hyderabad and accordingly, he was permitted physical visitation once in two months, while he had the right to interact with the child through Video Call, twice a month.

22. Subsequently, in 2024, when he relocated himself in Delhi, he has sought the modification of the earlier Order, whereby he has been granted two physical meetings, one of which was at the Mall; while the second visitation in the month was unsupervised, whereby he was allowed to take the child for two to three hours. In addition, Video Conferencing was also allowed twice a month.

23. The impugned Order granting the visitation is dated 08.08.2026. Since then, on the averments of the Petitioner that the Respondent is not permitting him to meet the child, he has already filed his Execution Petition, which is listed before the learned Family Court on 08.12.2026.

24. Moreover, an Appeal has been preferred by the Respondent against the impugned Order dated 08.08.2026, which is pending consideration for 19.01.2027.

25. In these circumstances, it would not be appropriate at this stage to conclude that there is any willful and contumacious disobedience of the Order dated 08.08.2026 by the Respondent, entailing an action against her under the Contempt of Courts Act.

26. The main grievance of the Petitioner is that no effective Orders are being passed, despite he having filed the Execution Proceedings.

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27. Learned Family Judge is hereby, directed to consider the Petitioner's Execution Petition and pass substantive Orders on the date fixed before the learned Family Court.

28. With the aforesaid directions, present Contempt Petition along with pending Applications, if any, stand disposed of.

NEENA BANSAL KRISHNA, J.

NOVEMBER 18, 2026/*R*

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