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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 456/2021**

GEETAVOHRRAPetitioner

Through: Mr Rajnish Ranjan, Advocate.

versus

NITIN CHOPRA Respondent

Through: Mr R.D. Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **11.08.2021**

The hearing was conducted through video conferencing.

CM APPL. 25540/2021 (fresh by applicant/respondent for modification of order dated 23.07.2021)

1. The respondent seeks modification of the order dated 23.07.2021, which directed that a physical meeting be held in the presence of the Counsellor/Child Specialist at the Delhi High Court Mediation & Conciliation Centre on 31.07.2021. The order records, *inter alia*, as under:

"...5. The learned counsel for the petitioner submits that it is best that the children interact under the supervision of a child counsellor, at the Delhi High Court Mediation & Conciliation Centre.

6. In the circumstances, the case is referred to the Delhi High Court Mediation & Conciliation Centre in order to facilitate the meeting between the children and their parents on 31.07.2021 at 11 am, in terms of the interim arrangement as directed by the learned Family Court vide its order dated 18.03.2021. The Centre may appoint a child counsellor. A copy of this order be sent to the Delhi High Court Mediation & Conciliation Centre. It is expected that the learned counsel for

the parties would coordinate with each other to facilitate the meeting...”

2. However, the applicant-father did not bring the child to the mediation centre on the date set for the meeting, on the pretext that the physical meeting was not directed and only virtual interaction was directed.
3. Nothing could be further from the truth. The aforesaid order has been misconstrued by the applicant/respondent. The argument before the court was for physical interactions between the child and the mother. The mother contends that the respondent’s conduct is contemptuous and in the face of the court’s order; that despite the two meetings before the learned Child Counsellor, the applicant/respondent/father did not produce the child, thereby depriving the minor son of his right to unrestrained love and affection from his mother and vice-a-versa.
4. The applicant-father now says that because of the COVID situation, the aforesaid order may be modified. Surely, the father is not the only one concerned about the child’s safety and security, the mother would be equally concerned. The Court is informed that SOPs apropos protection from COVID are maintained at the Mediation Centre, which in the present circumstances is perhaps one of the safest places to meet.
5. The applicant/respondent is in clear breach of this Court’s directions.
6. Since the applicant did not produce the child at the Mediation Centre in terms of the aforesaid directions, his right to have the interim custody of the child (minor son) is questionable and the Court is of the view that notice of contempt could well be issued against the applicant. However, simply to observe his conduct apropos the next

date of meeting i.e., 13.08.2021 before the learned Child Counsellor at the Mediation Centre, the Court would not pass any order, for the moment, in this regard.

7. No ground to entertain the application is made out. The application is accordingly dismissed.

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8. Renotify on 16.09.2021, the date already fixed.
9. The order be uploaded on the website forthwith.

AUGUST 11, 2021/rd

NAJMI WAZIRI, J