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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 403 OF 2024
WITH
INTERIM APPLICATION NO. 14148 OF 2024

Vanita Rajkumaraswani ... Appellant/Applicant

Vs.

Sandeep Naresh Bhatia ... Respondent

WITH
INTERIM APPLICATION NO. 1540 OF 2025
IN
CONTEMPT PETITION NO. 403 OF 2024

Sandeep Naresh Bhatia ... Applicant

In the matter between

Vanita Rajkumaraswani ... Appellant

Vs.

Sandeep Naresh Bhatia ... Respondent

Mr. Atharva S. Jagtap i/b. Ms. Siddhi Bhosale for the Petitioner.

Mr. Siddharth Jha a/w. Mr. Sumeet Upadhyay, Mr. Chetan Gogawale i/b. Global Advocates for the Respondent in Contempt Petition.

CORAM : GAURI GODSE, J.

DATE : 10th SEPTEMBER 2026

ORDER :

1. Pursuant to the last order dated 2nd September 2026 the respondent is present in court. He submits that he has been

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served with the copy of the contempt petition and the orders. He further submits that the contempt notice is not yet served upon him. Office remark shows that the service report of the show cause notice is awaited. Office is therefore directed to prepare a fresh contempt notice as directed by order dated 13th August 2026.

2. Learned counsel for the respondent submits that he shall collect the notice from the registry and hand it over to the respondent. Office shall prepare a fresh notice and hand it over to the learned advocate for the respondent, who shall hand it over to the respondent to enable him to file his reply.

3. Learned counsel for the contemnor was called upon to respond to the court query as to why the child should not be permitted to stay with the mother as per the original consent terms. Seeing the reluctance on the part of the contemnor, learned counsel for the mother on her instructions who is present in the court, submits that if the contemnor is not agreeable to allow the child to remain overnight with the mother, let the child spend the whole day during the ganpati festival with the mother. However, the contemnor is still reluctant and is not agreeable to co-operate. The reason given

by the contemnor is that the child is not ready to stay with the mother.

4. From the perusal of the record no valid reason is seen that the child would not be agreeable to stay with the mother as agreed by the parties in the consent terms.

5. Unfortunately the child is kept away from the mother for quite some time and is not been permitted to be with her as per the original consent terms. Such an attempt to alienate the child from the mother cannot be permitted. Hence, a genuine attempt has to be made to make the child comfortable with the mother, in the event the child is not ready to be with the mother as alleged by the contemnor. The child is around 10 years old. Hence, it is the duty and responsibility of the custodial parent to make the child comfortable to meet the other parent who is granted temporary custody or visitation rights.

6. After intimating all the aforesaid observations to the contemnor, the matter was kept back for sometime to enable the learned counsel for the contemnor to take appropriate instructions from the contemnor. Despite the aforesaid efforts, the contemnor is still not agreeable to co-operate, to enable the

child to spend atleast one day during the ganpati festival with the mother.

7. The contemnor shall therefore produce the child before this court tomorrow, i.e. 11th September 2026 at 5.30 pm in the Chamber. It is clarified that it would be the responsibility of the contemnor who is the custodial parent to make the child comfortable to be with the mother. It is further clarified that if this court observes that the child is found tutored against the mother, appropriate directions would be passed in the contempt petition.

8. Learned counsel for the contemnor seeks to rely upon some of the WhatsApp chats annexed to the reply. He submits that the mother herself has stated that till the child is stable let the child meet her outside the house. The WhatsApp chats are of the year 2023. In the consent terms the parties had agreed that convenience of the child shall be taken into consideration, for availing the access. Hence, some concerns expressed by way of Whatsapp chats cannot be interpreted to mean that the child will never be comfortable with the mother at her residence. Even otherwise, there is nothing on record to show that the child is uncomfortable with the mother. Such attempts

on the part of the father are clear that all efforts are being made to alienate the child from the mother. I do not see any substance in the objection raised on behalf of the contemnor that the mother herself had stated that the child should not be brought to her residence.

9. The contemnor was given an option today to file undertaking stating that he shall make the child comfortable to enable him to spend the entire day with the mother. However, the contemnor is reluctant to file such an undertaking. Hence, there is no option left with the court but to direct that the child should be brought in the court. It can never be in the interest of the child, that the child is required to attend the court; however, in view of the non-cooperation by the contemnor, this court is left with no option but to direct that the child should be brought to the court.

10. **To be listed tomorrow, i.e. 11th September 2026 at 5.30 pm in the Chamber.**

[GAURI GODSE, J.]