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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 09.04.2026**+ **CONT.CAS(C) 1408/2022 and CM APPLs.40279/2023,  
43495/2023, 49805/2023, 25398/2024**

DIXITA GHAI

.....Petitioner

Through: Ms. Meera Kaura Patel, Adv.  
(DHCLC), Mr. Zainab Hussain, Ms.  
Ritika Saini, Adv. along with  
petitioner in person.

versus

HARSHUL GHAI

.....Respondent

Through: Advocate (appearance not given)  
Respondent in person (through v/c)**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition alleges wilful disobedience of the directions contained in the orders dated 22.03.2022, 19.10.2022 and 05.11.2022, passed in GP No.108/2021 titled as *Dixita Ghai vs. Harshul Ghai*.

2. The order dated 22.03.2022 passed in G.P No.108/2021 reads as under: -

*“Part arguments on petitioner's interim custody application heard.*

*At this stage, parties have had mutual discussion pursuant to which respondent has agreed to hand over custody of minor child Master Angad to petitioner on every first and third Saturday of the month at 10:00 AM at Children Room, Tis Hazari. The petitioner can take the child with her and shall return back Master Angad to respondent at 4:30 PM at Children Room, Tis Hazari. The meeting place of Tis Hazari has been agreed upon*



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*by the parties as they have multiple cases pending against each other and there is apprehension of further disputes in case parties meet outside the Court Complex / Children Room. In case first and third Saturday of the month happens to be a Court holiday then the meeting shall take place on next working Saturday falling thereafter. Both parties shall ensure that meeting takes place in congenial atmosphere and they do not speak ill about each other or their respective family members in presence of the minor child.*

*Be listed for further arguments on petitioner's interim application on **01.06.2022 at 2:00 PM**. Copy of order given dasti to learned counsels for parties, as prayed for."*

3. The order dated 19.10.2022 passed in G.P No.108/2021 reads as under:-

*"1. An application U/s 151 CPC of the petitioner/mother, seeking visitation with the son namely Angad, aged about 4 years, of the parties on the occasion of festival of Diwali and Bhai Duj, is pending. During the course of arguments on the application, petitioner/mother submits that without prejudice to her rights and contention, she is not pressing her prayer to meet the child on the festival of Diwali but the meeting of the child/son be fixed on the festival of Bhai Duj on 27.10.2022, so that the daughter namely Lavya of the parties, may celebrate the festival of Bhai Duj with her brother Angad. With the mutual discussion of the parties, it has been agreed between them that respondent/father will bring their son Angad in the Children Room on 27 10.2022 at 03:00 PM, so that both the kids of the parties may celebrate festival of Bhai Duj Statements of the parties recorded separately to this effect.*

*Accordingly, it is directed that respondent/father will bring the child Angad on 27.10.2022 at 03.00 PM, in Children Room, Tis Hazari Court, Delhi.*

*In view of above, the application U/s 151 CPC of the petitioner/mother, seeking visitation with the child/son on the occasion of festivals of Diwali & Bhai Duj is disposed off.*

*2 Both the parties are seriously at dispute regarding the scheduled meeting of the child/son with the petitioner/mother as they both are*



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*making allegations against each other since as per petitioner/mother, the respondent/father intentionally does not give the custody of the child to her but as per respondent/father it is the child who does not want to meet his mother Counsel for respondent/father has pointed out on certain observations made by 1d Mahila Court, Saket, regarding this.*

*3. As per the order dated 22.03.2022, father/respondent has to hand over the custody of the child to the mother on first and third Saturday of every month in Children Room, Tis Hazari at 10:00 AM but as mentioned hereinabove, due to one reason or the other, the order dated 22.03.2023, has not been complied since few months due to which petitioner/mother is deprived of the custody of the child. This court deem it appropriate that on the upcoming scheduled meeting falling on 05.11.2022, the custody will be handed over by the respondent/father to the petitioner/mother in the presence of court/undersigned on 05.11.2022 at 09:30 AM.*

*Put up for reply and arguments on pending applications, on 19.12.2022 at 12:30 PM.”*

4. The order dated 05.11.2022 passed in G.P No.108/2021 reads as under: -

*“Vide order dated 22.3.2022, the petitioner-mother was permitted to take the custody of her minor son, aged about 4 years, on the first and third Saturday of every month and it was further decided between the parties that the petitioner-mother would take the custody of the child at 10:00 AM from Children Room and will give back the custody to the respondent-father in the evening on the same day at 04:30 PM.*

*From last several dates, the petitioner-mother was informing the court that respondent-father is not bringing the child in compliance of order dated 22.03.2022, regarding which she filed application also The matter was listed before the court on 19.10.2022, when the respondent-father said that the child does not want to meet his mother and in this regard, he placed on record the order dated 23.06.2022 of l.d. Mahila Court, Saket, wherein certain observations are made on the behaviour of the child while meeting the petitioner-mother, therefore, vide order dated 19.10.2022, this court directed that on the scheduled meeting of*



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*the petitioner-mother with the child, the custody will be handed over in the presence of the undersigned today at 09:30 AM.*

*Today, petitioner-mother alongwith her minor daughter, aged about 1 ½ years, is present in the court room since 09.30 AM to take custody of her son but the respondent-father has not appeared from last half an hour, therefore, the court staff and In charge, Children Room, Tis Hazari Court, were asked to make phone call to the respondent-father and his counsel. Sh. Sudhir. Orderly, attached with this court submits that despite repeatedly calling the respondent-father and his counsel, they are not picking his calls. Screenshot of the call log of Sh. Sudhir, Orderly, is attached on the file. In the meantime, In-charge, Children Room, has also appeared and has filed her written report that she has tried to contact the respondent-father thrice but he did not take her call, therefore, she made a telephonic call to his counsel Sh. Lal Singh who told that last night the respondent-father had gone to the party from where he came late, therefore, he (respondent) has not come to court but will reach by 11:30 AM. The conduct of the respondent-father on the face of it is not acceptable to the court as on earlier occasions also, the petitioner-mother has informed the court that respondent-father has not brought the child in Children Room in compliance of order dated 22.03.2022. The petitioner-mother submits that she has not met her son since long time, therefore, she will further wait for the child. At her request, put up at 11:30 AM.*

**(Charu Aggarwal)**  
**Judge Family Court-02,**  
**West District, THC-05.11.2022**

**At 11:30 AM**

*Present: As above.*

*Petitioner-mother alongwith her minor daughter and counsel is present in court but the respondent/father has not appeared. Petitioner-mother submits she is eagerly waiting to meet her son and will wait till 12:00 Noon.*

*Put up at 12:00 Noon. In the meantime, In-charge, Children room, is directed to file her report since March-2000 till 15.10.2022 (scheduled*



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*meetings as per order dated 22.03.2022) showing the presence of the parties in the Children Room, Tis Hazari Court, Delhi.*

*(Charu Aggarwal)*

*Judge Family Court-02, West District, THC-05.11.2022*

**GP No.108/2021**

**Dixita Ghai Vs. Harshul Ghai**

**05.11.2022 At 12:00 Noon**

*Present*

*Petitioner-mother with her minor daughter and counsel Sh Ajay Chawla.*

*None for respondent/father.*

*Petitioner-mother submits that her daughter is very small and since morning she is eagerly waiting for her son but now her daughter, aged about 2 years, has started crying but she will still wait for further 15-20 minutes and thereafter, she seeks liberty to leave She is allowed to leave as per her convenience.*

*In-charge, Children Room, has filed her report of even date showing the presence of both the parties in Children Room as per order dated 22.03.2022 The said report clearly shows that respondent-father has no respect for court of law. In pursuance of order dated 22.03.2022, total 15 scheduled meetings were fixed till 15.10.2022, out of these 15 meetings, respondent-father has brought the child only on five scheduled meetings i.e. 02.04.2022, 16.04.2022, 07.05.2022, 02.07.2022 and 06.08.2022, and in remaining ten meetings, he either came late at 01:00 PM, 01:20 PM, 02:00 PM or 02:40 PM or did not come, at all with the child.*

*Today, this court is not passing any adverse order against the respondent-father since he has filed an application seeking modification of order dated 22.03.2022 and the observations of ld. Mahila Court on the behaviour of the child are also brought to the notice of this court. Matter is fixed before the court on 19.12.2022, for arguments on all pending applications. In the meantime, respondent-father is directed to comply the order dated 22.03.2022 in letter & spirit.*



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*The next scheduled meeting of the mother with the child is on 19.11.2022. The same directions contained in order dated 19.10.2022, are hereby passed that the custody of the child will be handed over to the petitioner-mother, on 19.11.2022 at 09.30 AM, in the presence of undersigned in the chamber.*

**(Charu Aggarwal)**  
**Judge Family Court-02,**  
**West District, THC-05.11.2022**

**At 01:00 PM**

***File again taken up as the respondent-father has appeared with the minor child/son and proxy counsel Sh. Sahil Gandhi.***

*Present: Respondent/father with his son and proxy counsel Sh. Sahil Gandhi.*

*Respondent-father submits that he did not appear in the morning since the child was reluctant in coming to the court except this no other plausible reason has come forward as to why the respondent-father has not come to the court in the morning at 09.30 AM to hand over the custody of the child to the petitioner mother in compliance of order dated 19.10.2022. It is the duty of the custodian parents to make understand the child that the love and affection of non-custodian parent is equally important.*

*Respondent-father is apprised about the directions passed hereinabove regarding the handing over the custody of the child to the petitioner-mother on the next scheduled meeting on 19.11.2022 at 09:30 AM, in the presence of the undersigned in the chamber.”*

5. It is submitted that despite repeated directions, the petitioner is not being afforded visitation in terms of the aforesaid directions.
6. It is also pointed out that *vide* order dated 21.12.2022, passed in these proceedings, this Court recorded a *prima facie* finding that the respondent is guilty of committing contempt of the aforementioned orders. Again, *vide*



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order dated 25.07.2023 passed in the present proceedings, it was recorded as under:

*“1. This Court in the order dated 21.12.2022 has prima facie observed that the respondent father is guilty of contempt. Despite the same, the respondent is not complying with the orders dated 22.03.2022, 19.10.2022 and 05.11.2022 in GP No.108/2021. In addition, out of 15 scheduled meetings till 15.10.2022, the respondent father has brought the child only for 5 scheduled meetings. This is an unacceptable state of affairs.*

*2. It is, therefore, directed that the respondent father shall comply with the above said orders dated 22.03.2022, 19.10.2022 and 05.11.2022 starting from this Saturday, i.e. 29.07.2023.*

*3. Thereafter, the child shall be produced before the Children Room, Tis Hazari Courts, Delhi on 05.09.2023, 19.09.2023 and 02.09.2023 at 10 a.m. and the petitioner will take the child with her and return with the child at 4:30 p.m. at Children Room, Tis Hazari Courts, Delhi.*

*4. In case the above schedule is not strictly complied with by the respondent, the petitioner will be at liberty to file an application seeking early hearing of the petition.*

*5. On all these above said visitations, the petitioner shall also be entitled to bring her daughter for a better interaction with master Angad.*

*6. On 30.08.2023 i.e. on the day of Rakhi festival the respondent shall bring the minor child Master Angad from 11 :30 a.m. till 3:30 p.m. at Haldiram (restaurant), Connaught Place, New Delhi for the celebration of the festival with the petitioner and the minor daughter.*

*7. The petitioner and respondent will show restrain and respect to each other during all forthcoming visitations.*

*8. List on 08.09.2023, on which date the respondent shall remain present in Court.”*

7. Learned counsel for the petitioner also draws attention to the fact that



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in the last three months visitation has been afforded to the petitioner only on three occasions. It is submitted that on most occasions, the visitation was avoided by the respondent, citing some reason or the other.

8. During the course of hearing, learned counsel for the respondent, on instructions from the respondent, who appears virtually, submits that the respondent is not averse to affording visitation to the petitioner.

9. Accordingly, it is directed as under:

(i) On 11.04.2026, visitation of the petitioner with the child shall take place at the Delhi High Court Mediation and Conciliation Centre (DHCMCC) from 11.00 AM to 02.00 PM. The said interaction between the petitioner and the child shall take place in the presence of a child counsellor to be appointed by the DHCMCC;

(ii) The respondent shall not remain present at the time of visitation/interaction;

(iii) Thereafter, subject to further orders in these proceedings, visitation shall take place on every first and third Saturday at the Delhi High Court Medication Centre from 11.00 AM to 02.00 PM in the above terms, in the presence of the appointed child counsellor;

(iv) The Child Counsellor shall submit its report based on the interaction between the petitioner and the child, before the next date of hearing;

(v) As already directed *vide* order dated 22.11.2025, the petitioner shall also be permitted to make a video-call to her minor son. Let the same be facilitated by the respondent on every Tuesday and Sunday at 04.30 PM.



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10. Learned counsel for the respondent undertakes to remain bound with the aforesaid arrangement. He further requests that the parties be referred to mediation to try and resolve the difference between the parties.
11. Accordingly, the parties are also referred to mediation under the aegis of DHCMCC. Let the parties appear before the mediation proceedings on 16.04.2026 at 3.00 P.M.
12. It is made clear that the above visitation arrangement shall not be disrupted during pendency of the mediation.
13. List in Court for further proceedings on 06.07.2026.
14. Order *dasti*.

**APRIL 9, 2026/cl**

**SACHIN DATTA, J**