

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

SUO MOTU CONTEMPT PETITION (CRL) NO. 1 OF 2021

IN RE: BHAVNA LALL

...Alleged Contemnor

WITH

REVIEW PETITION(C) DIARY NO. 5058 OF 2021
IN
CIVIL APPEAL NO. 115 OF 2021

O R D E R

SMC(Cr1.) No.1/2021

These proceedings have been initiated in light of observations made in our order dated 19.01.2021.

The noticee has filed compilation of documents presented before the Superior Court of Arizona.

The impression given during the hearing of the appeal, as noted in the order dated 19.01.2021, on the basis of documents produced at the relevant time by the parties was that the mother had asserted that her attorney in India had advised her that the appeal pending before this Court will not succeed at all. However, from the documents presented before the Supreme Court of Arizona placed on record by the noticee, it is seen that

the assertion of the mother was to the following effect:-

"father's appeal will likely not be successful."

Taking a broader view of the matter, we deem it appropriate to drop the *suo motu* proceedings and discharge the notice. Ordered accordingly.

Pending applications, if any, stand disposed of.

Review Petition (C) Diary No. 5058 of 2021

Delay condoned.

This Review petition is filed in reference to order dated 19.01.2021 passed in civil appeal arising from SLP(C) No. 14948 of 2020.

Ordinarily, the review petition ought to proceed in chambers, as per the Supreme Court Rules, 2013. However, as by the stated order the Court initiated *suo motu* proceedings with regard to the opinion given by the advocate representing the review petitioner, it was thought appropriate to post the matter in open Court for hearing and also to impress upon the parties to explore possibility of settlement, if they so desire.

The matter has been adjourned on couple of occasions to enable the parties to cogitate over the terms of settlement.

Today, however, we are informed by the parties, in no uncertain terms, that they are not in a position to resolve their differences. Even the attempt before the Court appointed mediator did not succeed.

We have heard Mr. Sanjay R. Hegde, learned senior counsel representing the review petitioner, at length.

In our opinion, no case for review is made out. The apprehension of the review petitioner that the order will come in the way of the review petitioner to raise preliminary issues, including regarding jurisdiction of the First Additional Principal Judge, Family Court, Bhopal, Madhya Pradesh, is ill-advised.

The order under review nowhere puts any embargo in that regard.

The order, however, is limited to deciding the prayer for *ex-parte ad-interim* relief sought by the respondent vide application under Order 39 Rule 3 read with Section 151 of Code of Civil Procedure, 1908, namely, anti-suit injunction against the review petitioner until the First Additional Principal Judge, Family Court, Bhopal, Madhya Pradesh proceeds to decide the other matters raised in the suit.

Accordingly, while dismissing the review petition, it

is reiterated that review petitioner is free to participate in the proceedings before the First Additional Principal Judge, Family Court, Bhopal, Madhya Pradesh and raise all contentions as may be permissible in law.

During the course of hearing, learned counsel for the respondent pointed out that the review petitioner did not participate in the proceedings before the First Additional Principal Judge, Family Court, Bhopal, Madhya Pradesh and allowed it to go by default. The respondent, therefore, be permitted to raise all objections, as may be permissible in law.

Needless to observe that both sides can raise contentions as may be permissible in law, which will have to be considered by the First Additional Principal Judge, Family Court, Bhopal, Madhya Pradesh on its own merits and in accordance with law, uninfluenced by the observations made in the order under review.

The First Additional Principal Judge, Family Court, Bhopal, Madhya Pradesh may dispose of all applications filed by the parties including under Order 39 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908, preferably within three months from today.

Nothing more is required to be said in this order.

The Review Petition is dismissed accordingly.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(B.R. GAVAI)

.....J
(KRISHNA MURARI)

New Delhi;
August 02, 2021.

ITEM NO.301+302 Court 4 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SMC (Cr1.) No. 1/2021

IN RE BHAVNA LALL

Petitioner(s)

VERSUS

Respondent(s)

(FOR ADMISSION)

WITH

Diary No(s). 5058/2021 (IV-C)

(FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 27612/2021

FOR STAY APPLICATION ON IA 27614/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 27617/2021

IA No. 27617/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 27612/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES

IA No. 27614/2021 - STAY APPLICATION)

Contempt Petition(C) No. 298 of 2021 in C.A. No. 115 of 2021

By Courts Motion, AOR

Date : 02-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. Sanjay R. Hegde, Adv.

Mr. Ankit Yadav, AOR

Mr. Ratnesh Sharma, Adv.

For Respondent(s)

Ms. Meenakshi Arora, Sr. Adv.

Ms. Charu Sangwan, AOR

Ms. Kajal Kumari, Adv.

Mr. Prashant Chaudhary, AOR (NP)

UPON hearing the counsel the Court made the following
O R D E R

SMC (Cr1.) No.1/2021

The Suo Motu Contempt Petition is dropped and notice is discharged in terms of the signed order.

Pending applications, if any, stand disposed of.

Review Petition (C) Diary No. 5058 of 2021

Delay condoned.

The review petition is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

Contempt Petition(C) No. 298 of 2021 in C.A. No. 115 of 2021

Hearing of this petition is deferred for three months awaiting the decision of the First Additional Principal Judge, Family Court, Bhopal, Madhya Pradesh on application filed under Order 39 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]