



IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Appellate Jurisdiction)

2023:JHHC:28910-DB

FA No. 87 of 2022

Suman Kumari & others		Appellants
	Versus	
Sanjay Kumar		Respondent

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Appellants	: Mr. Indrajit Sinha, Advocate
For the Respondent	: In-person

Order No. 07/ Dated: 19th May 2023

Just to recapitulate, FA No. 56 of 2020 was listed before this Bench for the first time on 25th November 2021 and the lower Court records were called for. On that day, the respondents in the aforesaid First Appeal were not represented through their counsel and, therefore, the matter was posted for hearing on 13th January 2022, on which day an order was passed by this Court for hearing of FA No. 56 of 2020 on 21st February 2022 as the first case.

2. The First Appeal was heard on 21st February 2022 and 24th February 2022 and the judgment was reserved.

3. On 21st April 2022, judgment in First Appeal was delivered which is in the following terms:

"33. In view of the aforesaid discussions, we are of the opinion that the judgment in Original (Guardianship) Suit No. 05 of 2016 cannot be sustained in law and is accordingly set aside. Original (Guardianship) Suit No. 05 of 2016 is restored to its original files. The matter is remanded back to the Family Court, Giridih for deciding the issue of shared parenting, or joint custody and guardianship of Dipanshu Darshan and Suddhi by taking evidence of the appellant and the respondent alone. Let this exercise be concluded within 60 days of appearance of the parties before the Family Court and the judgment be delivered on the above issue. The Family Court Judge shall fix a date for appearance of the parties within 30 days of receiving a copy of this judgment."

4. This is 2nd round of litigation between the parties.

5. In the present proceeding, the following order has been passed by this Court on 2nd May 2023 :

"Order No. 6 /Dated: 2nd May 2023
I.A No. 10806 of 2022



This interlocutory application has been filed by the appellants seeking stay of the execution of the judgment dated 26th July 2022 and decree dated 10th August 2022 passed in Original (Guardianship) Suit No. 05 of 2016.

Notice.

The respondent appears in-person and waives service of notice.

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The dispute between the appellant no.1 and her husband is raging since 2011.

There have been series of cases filed by the parties against each other. Even this custody case had come to this Court on a previous occasion.

The husband of the appellant no.1 is a qualified doctor posted at RIMS, Ranchi.

The appellant no.1 is also educated but staying with her parents at Mirzaganj in the district of Giridih, allegedly since 12th July 2014.

In First Appeal No. 56 of 2020, this Court remanded the matter back to the Family Court to decide the issue of shared parenting, joint custody and guardianship of the minor children Deepanshu Darshan and Shreya.

It further appears that the previous efforts at Mediation and Conciliation have failed and the parties could not arrive at a mutual settlement.

However, there is always a glimmering ray of hope that two human beings would some day realise and understand each other's problem to come to a reasonable, viable and acceptable settlement of their dispute.

Somewhere it is well said that the Mediators are the messengers of God.

With the aforesaid in the back of our mind, we have decided to send this matter for undertaking Mediation and Conciliation efforts.

With the agreement of the learned counsel for the appellants and the respondent-in-person, Mr. Ajit Kumar, the learned Senior counsel who has been a former Advocate General for the Government of Jharkhand is requested to act as a Mediator.

It is the understanding at Bar that both parties shall endeavour to reach at an amicable solution for their and the children's future life including a possibility of divorce through mutual consent.

We would request the learned Mediator to hold a preliminary meeting with the appellant no.1 and the respondent on 13th May 2023 at his office the address of which shall be communicated by Mrs. Prema Jhunjhunwala, the learned counsel for the appellants to Dr. Sanjay Kumar who is the respondent in the present proceeding.

Post this matter on 19th May 2023."

6. Now I.A No.4616 of 2023 has been filed by the respondent who appears in-person, the subject-matter of which reads as under:

"IN THE MATTER OF:

An application under section 26 of Hindu Marriage Act 1955 & Under Section 19 of Family Court Act 1984 to recall or modify the



next date of hearing due to changed circumstance and not to pass any interim relief to appellant for two years just like no interim relief was granted to then appellant (instant respondent) in First Appeal No. 47/ 2019 & First Appeal No. 56/ 2020 in about two years each and to conduct further proceedings of court under audio visual recording with live streaming for the purpose to ensure fairness & transparency in court proceedings OTHERWISE respondent foresee the possibility of boycott of court to raise the matter outside the court just like in the year 2018 when top 4 judges of The Supreme court had raised their genuine grievances outside the court through press conference when grievances was not heard inside the court leading to crisis in judiciary to the extent of initiated process of impeachment against then the Chief Justice of India Mr. Deepak Mishra. ”

7. In this Interlocutory Application, the respondent has made serious allegations of impropriety and judicial dishonesty against the former and sitting Judges and the former Chief Justice of this Court. He has also made scandalous and scurrilous statements against the former Judges and the Chief Justices of India and produced copies of several e-mails and other materials. Obviously, he would not have spared the counsel appearing for the appellant-wife and he has made disparaging statements against him without any basis. Since this Interlocutory Application which has been drafted by the respondent-in- person himself and contains expressions like “shamelessly, shameful stigma, lies, master or *maalik*, favouritism, discrimination, corruption in the Supreme Court etc.”, this must be held that his conscious and intentional acts are intended to scandalize and lower the dignity of this Court.

8. Therefore, in exercise of the powers under Article 215 of the Constitution of India read with Contempt of Courts Act, 1971, we hereby direct the Registry to issue contempt notice in Form-I to the Schedule appended to the High Court of Jharkhand Rules, 2001.

9. Rules 395 and 396 of the High Court of Jharkhand Rules, 2001 are dispense with in view of the materials before this Court, which, in fact, may constitute contempt *per se*.

10. The contemnor shall file his affidavit within four weeks why a charge be not framed and he be not punished for his intentional acts including his intentional act to scandalize and lower the dignity of this Court.

11. The Registry shall register a suo motu contempt case.



12. The contemnor is hereby directed to remain physically present in the Court on the next date of hearing, which is also a requirement under the Jharkhand High Court Rules once a notice in Form-1 is issued to a contemnor.

13. In the meantime, the appellants shall file an affidavit giving details of past misconduct of the respondent in the other proceedings before this Court. One such incident was indicated to us on the first occasion which this First Appeal was listed before us.

14. In view of the notice dated 1st May 2023, *suo motu* contempt case shall be listed before the jurisdictional Bench on 19th June 2023.

(Shree Chandrashekhar, J.)

(Ratnaker Bhengra, J.)

Sharda/SB