

ITEM NO.1501 Court 2 (Video Conferencing) **REVISED**
SECTION XIV-A

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

Miscellaneous Application No. 1167/2021 in C.A. No. 3559/2020

SMRITI MADAN KANSAGRA **Petitioner(s)**

VERSUS

PERRY KANSAGRA **Respondent(s)**

WITH

MA No.2295/2020 in MA 2140/2020 in C.A. No. 3559/2020 (XIV-A)

Date : 07-10-2021 These applications were called on for pronouncement of order today.

For Parties:

Mr. Tushar Mehta, SG.
Mr. B. V. Balaram Das, AOR

Mr. Mukul Rohtagi, Senior Advocate
Mr. Amarjit Singh Chandhiok, Senior Advocate
Ms. Sonia Mathur, Senior Advocate
Mr. Prosenjeet Banerjee, Adv
Ms. Nidhi Mohan Parashar, AOR
Ms. Mansi Sharma, Adv
Ms. Shreya Singhal, Adv
Mr. Keshav Sehgal, Adv
Mr. Vikrant Kumar, Adv
Ms. Vidhi Jain Adv
Mr. Anindit Mandal Adv
Ms. Nandita Rathi, Adv
Mr. Noor Rampal advocate
Mr. Puneet pathak advocate
Ms. Priya Agarwal, Adv.

Mr. Anunaya Mehta Advocate
Mrs. Inderjeet Saroop Advocate
Mr. P. K. Manohar, AOR

Hon'ble Mr.Justice Uday Umesh Lalit pronounced the reportable order of the Bench comprising His Lordship,

Hon'ble Mr. Justice Hemant Gupta and Hon'ble Mr. Justice Ajay Rastogi.

Miscellaneous Application No.1167/2021 in C.A. No. 3559/2020

The Miscellaneous Application is disposed of in terms of the directions mentioned in para 42 of the order, quoted as under:

"42. In the premises, we pass following directions: -

(A) The Judgment dated 28.10.2020 and the Order dated 08.12.2020 passed by this Court are recalled.

(B) The Guardianship Petition No.53 of 2012 filed by Perry in the District Court, Saket, New Delhi seeking permanent custody of Aditya and the resultant proceedings arising therefrom including MAT APP (F.C.) No.30 of 2018 filed in the High Court, are dismissed.

(C) The Orders granting custody having been recalled, the custody of Aditya with Perry is declared to be illegal and ab initio void.

(D) Issue notice to Perry as to why proceedings in contempt jurisdiction be not initiated against him for having violated the solemn undertakings given to this Court, returnable on 16th November, 2021. The Registry is directed to register *Suo Motu* Contempt Case and proceed accordingly.

(E) The notice shall additionally be served through e-mail directed at the e-mail id used by Perry in communicating with Smriti. The details in that behalf shall be furnished to the Registry by Smriti within two days.

(F) The Central Bureau of Investigation, New Delhi through its Director is directed to initiate appropriate proceedings by registering criminal proceedings against Perry and to secure and entrust the custody of Aditya to Smriti.

(G) The Secretary, Ministry of External Affairs, Government of India, New Delhi and the Indian Embassy in Kenya are directed to ensure that all possible assistance and logistical support is extended to Smriti in securing the custody of Aditya.

(H) From and out of the amount of Rs.1 crore deposited by Perry in this Court, at this stage, an amount of Rs.25 lakhs be handed over to Smriti towards legal expense incurred or required to be incurred hereafter. Rest of the money shall continue to be kept in deposit with the Registry till further orders.

43. With these directions, Miscellaneous Application No.1167 of 2021 and connected Interim Applications are disposed of."

MA 2295/2020 in MA 2140/2020 in C.A. No. 3559/2020 (XIV-A)

In terms of the order pronounced in Miscellaneous Application No. 1167/2021, this Miscellaneous Application is also disposed of.

Pending applications, if any, shall also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(Signed reportable order is placed on the file)