2025:KER:42893

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

TUESDAY, THE 17TH DAY OF JUNE 2025 / 27TH JYAISHTA, 1947

CON.CASE(C) NO. 1261 OF 2025

JUDGMENT DATED 22.01.2025

ARISING FORM : MAT.APPEAL NO.1096 OF 2024

PETITIONER/APPELLANT:

NAVIN SCARIAH, AGED 45 YEARS
S/O SCARIAH. M.M.,
RESIDING AT MARANGATTU HOUSE,
VAGATHANAM. P.O., KOTTAYAM., PIN - 686538.

BY ADVS. SMT.SMRUTHI SASIDHARAN
SRI.V.P.BRIJESH

RESPONDENT/RESPONDENT:

PRIYA ABRAHAM, AGED 39 YEARS,
D/O ANNIE THOMAS, RESIDING AT KONNACKAL HOUSE,
B-7, KRISHNA NAGAR, PATTOM.P.O.,
THIRUVANANTHAPURAM., PIN - 695004.

BY ADVS. SRI.V.PHILIP MATHEWS
SMT.ATHULYA SEBASTIAN
SHRI.ABY SKARIA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 17.06.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

'C.R.'

JUDGMENT

Devan Ramachandran, J.

The petitioner says that he has approached this Court through this contempt case under the impression – which perhaps is not true any more – that the mother is not allowing the child to interact with him, in spite of the directions in the judgment earlier delivered.

2. Smt.Smruthi Sasidharan – learned counsel for the petitioner, explained that his client filed this contempt case not to invoke any action against the respondent, but under the afore wrong impression; but that his real intent is to be part of his child's life, as any father would wish for. She thus prayed that this

contempt case be closed; but that it be clarified that her client can be part of the schooling and therapy sessions of his child – she being a special one – so that his obligations as a parent can be discharged by him to his satisfaction.

3. Sri.V.Philip Mathews – learned counsel for the respondent, in response, began saying that his client has never violated the orders of this Court, but that the child was unwilling to go to the father, primarily because she is a special one and also since she was suffering from certain physical indispositions at the relevant time. He showed us certain documents – which his client has placed on record in substantiation along with IA No.1/2025.

4. We have little doubt that the spar

between the parents with respect to the child in question is rather unfortunate. The child requires every care that the parents can give her, without any condition and in an unqualified manner. The rights of the child are that we are concerned about, and not that of the parties. The child surely obtains right to have her parents with her when she grows up, particularly when she requires special attention and therapy.

5. As we have said in ***Indu S. v. Thomas @ Manoj [2025 (3) KHC 295],*** parties to litigation involving matrimonial issues, more often, forget the impact their actions create on the child. There can be no greater example than this case.

6. We say as afore because, when this matter was considered by us in the morning session today, we allowed the father to be with

the child. However, the latter refused to even meet eyes with the former, and this was so, even though we encouraged and persuaded her repeatedly. In fact, when we asked the child to be left alone with the father, she ran to the mother and refused to let her go. She, no doubt, is attached to her mother, not as a parent alone but also as a caregiver; and perhaps, the thought that this litigation may finally entail action against her mother, must be disturbing her.

7. The way out in our minds is that the parents must find peace with each other and be involved with the child's progress together as partners. They may be divorced as husband and wife, but they can never be divorced as parents. Their responsibilities as parents will continue

as long as they live, notwithstanding whether they are husband and wife.

8. We are, therefore, of the firm view that, though it will only be justified for us to close this contempt case, both the parents must be given equal opportunities and liberties in the life and progress of the child, particularly when she undergoes therapy and education.

Since the learned counsel on both sides welcome this unequivocally, we pass the following directions:

(a) This contempt case is closed.

(b) The petitioner will be at full liberty to be part of the therapy sessions and to monitor the educational progress and personal life of the child; however, without causing her any vexation, and understanding that his

obligation is to give her the maximum care and protection, bereft of threat or intimidation.

We record the undertaking of Sri.V.Philip Mathews, made on behalf of the respondent, that his client will facilitate direction (b) above without any impediment in future.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

M.B.SNEHALATHA

JUDGE

akv

APPENDIX OF CON.CASE(C) 1261/2025

PETITIONER ANNEXURES

ANNEXURE A1	ONLINE CERTIFIED COPY OF THE JUDGMENT DATED DATED 22/01/2025 IN MAT APPEAL 1096/2024 OF THE HIGH COURT OF KERALA AT ERNAKULAM
ANNEXURE A2	A TRUE COPY OF SCREENSHOT OF THE CALLS MADE BY THE PETITIONER
ANNEXURE A3	A TRUE COPY OF THE EMAILS SENT BY THE RESPONDENT

RESPONDENT ANNEXURES

ANNEXURE R1(A)	TRUE COPY OF THE REPORT DATED 28.7.2016 ISSUED FROM CHILD DEVELOPMENT CENTRE, MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM
ANNEXURE R1(B)	TRUE COPY OF CERTIFICATE NO. 484/ADMN/16/ICCONS-TVM DATED 3-10-2016
ANNEXURE R1(C)	TRUE COPY OF OUTPATIENT RECORD O.P.NO.176948/17 (REFERRAL) DATED 19.06.2017 ISSUED FROM MEDICAL COLLEGE HOSPITAL
ANNEXURE R1(D)	A COPY OF TREATMENT CERTIFICATE DATED 15.7.2017 BY THE MEDICAL OFFICER, GOVERNMENT MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM

ANNEXURE R1(E)	TRUE COPY OF CERTIFICATE DATED 3.4.23 ISSUED FROM KIMS HEALTH CENTRE, THIRUVANANTHAPUTAM EXPLAINING THE CONDITION OF JENISSA
ANNEXURE R1(F)	TRUE COPY OF CERTIFICATE DATED 9.3.24 ISSUED BY VANY GEORGE
ANNEXURE R1(G)	TRUE COPY OF CERTIFICATE DATED 12-03-2024 ISSUED BY MR. ARUN JACOB ASARA CENTRE FOR PSYCHOLOGICAL WELLNESS SCHOOL
ANNEXURE R1(H)	THE PRESCRIPTION OF DOCTOR DATED 14.2.2025 FROM ABHYAHASTA MULTI SPECIALTY HOSPITAL, BANGALORE
ANNEXURE R1(I)	TRUE COPY OF CERTIFICATE DATED 18.2.2025 ISSUED BY DR. UMA KRISHNAN, PRATHYASA FOUNDATION BANGALORE
ANNEXURE R1(J)	TRUE COPY OF ASSESSMENT REPORT DATED 11.5.2025 FROM TRAVANCORE NATIONAL SCHOOL