

MANU/SCOR/28744/2017

**IN THE SUPREME COURT OF INDIA**

Petitions for Special Leave to Appeal C Nos. 6201/2016

**Date of Order:** 25.07.2017

Appellants: **Soumitra Kumar Nahar**

**Vs.**

Respondent: **Parul Nahar**

**Hon'ble Judges/Coram:**

, *Hon'ble Mr. Justice Kurian Joseph, Hon'ble Mr. Justice A. M. Khanwilkar*

**ORDER**

On 18.07.2017, this Court passed an order appointing Ms. Swati Ghildiyal, Ms. Azra Rehman, Ms. Sakshi Kotiyal and Mr. Attin Shanker Rastogi, Advocates, as Court Commissioners to facilitate admission of the children in Sherwood College and All Saints, Nainital after getting them relieved from Selaqui School, Dehradun.

Mr. Attin Shanker Rastogi, learned counsel, who is one of the

Digitally signed by NARENDRA PRASAD Court Date: 2017.07.25 17:45:48 IST Reason: Commissioners, has furnished a detailed Report, which is taken on record. It is stated in the Report that the admission process so far could not be completed owing to the non-cooperation on the part of Mrs. Parul Nahar. Not only that she did not cooperate but she created obstructions in working out the order of this Court.

A copy of the Report prepared by Mr. Attin Shanker Rastogi, learned counsel, is handed over to Mrs. Parul Nahar, who is present in the Court.

Ms. Swati Ghildiyal, Ms. Azra Rehman and Ms. Sakshi Kotiyal, learned counsel, who have been assisting Mr. Salman Khurshid, learned senior counsel, have reported that on account of the unfortunate incident which has taken place they may be discharged from this case and Mr. Salman Khurshid, learned senior counsel, has also pleaded his inability to represent Mrs. Parul Nahar any more.

Mrs. Parul Nahar, who is present before the Court in person submits that she has no objection discharging the counsel. A suo motu contempt is initiated against Mrs. Parul Nahar, who is directed to show cause. Mrs. Parul Nahar is directed to file her reply within two days from today.

Post these matters on 28.07.2017 at 2.00 P.M., in Court, before the same Bench. We are informed by the learned counsel appearing for Mr.

Soumitra Nahar that Sherwood College and All Saints School, Nainital are still prepared to admit the children, despite what has happened.

This is a case where several orders passed by this Court in the interest of the children and with the tacit consent of both the parties have been flouted flagrantly. Therefore, we direct the District and Sessions Judge, Nainital to see that the children are admitted in the institutions referred to above.

We direct Mrs. Parul Nahar/mother of the children to handover the custody of both the children to the District and Sessions Judge, Nainital tomorrow i.e. on 26.07.2017 before 2.00 P.M. The District and Sessions Judge, Nainital thereafter shall take the boy to Sherwood College, Nainital and the girl to All Saints School, 2 Nainital.

We are informed that the required fee in both the institutions has been paid by Mr. Soumitra Kumar Nahar/father of the children.

We direct the Secretary General of this Court to coordinate with the District and Sessions Judge, Nainital for implementation of the order, as above.

As prayed by Mrs. Parul Nahar, the time to file the reply, as above, is extended up to 02.08.2017.

Therefore, list these matters on 03.08.2017 at 1.30 P.M., before the same Bench in Court. We direct Mrs. Parul Nahar and Mr. Soumitra Kumar Nahar to remain present on that day.

We direct both the school authorities not to give the custody of the children to either of the parents or relatives without permission from this Court.

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