

R vs.p

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Court : Delhi

Decided On : Mar-06-2018

Appellant : R

Respondent : P

Judgement :

§~1 \* % + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

06. h March, 2018 CM(M) 1395/2017 & CM No.44831/2017 R P Through: Mr. Pragyan Pradip Sharma and Mr. ....

... Petitioner

Ganesh, Advs. with petitioner in person. versus Through: Mr. Gagan Gulia, Adv. .... Respondent CORAM: HON'BLE MR. JUSTICE J.R. MIDHA JUDGMENT (ORAL) 1. The petitioner has challenged the order dated 01st December, 2017 whereby the learned Family Court granted temporary custody of two children to the respondent and granted visitation rights of the children to the petitioner on every 01st and 03rd Saturday in the Children Room of Family Court of Patiala House Courts.

2. The parties have two children namely Master Vansh aged about 3 years and Master Ankur aged about 1 year. The petitioner handed over the temporary custody of Master Ankur to the respondent before this Court on 13th December, 2017 and the parties were referred to Delhi High Court Mediation and Conciliation

Centre. On 21st December, 2017, the petitioner also handed over the interim custody of Master Vansh to the respondent in CM(M) 1395/2017 Page 1 of 3 view of the pending mediation proceedings. However, the mediation between the parties failed whereupon the interim custody of Master Vansh were returned back by the respondent to the petitioner on 29th January, 2018.

3. Learned counsel for the petitioner submits that the petitioner is present in Court along with Master Vansh and the interim custody of Master Vansh is being given to the respondent as an interim arrangement till the order is passed by learned Family Court after considering all the contentions raised by the petitioner in this petition. The petitioner seeks visitation rights of both the children in every one week to which the respondent has no objection.

4. Learned counsels for the parties further submit that the proceedings before the learned Family Court are listed on 12th April, 2018 and they will complete the pleadings before the Family Court on the said date. Learned Family Court shall afford an opportunity to lead evidence to the parties. Learned Family Court shall consider the contentions of the parties raised before this Court and pass an appropriate order. Learned counsels for the parties agree not to seek any unnecessary adjournment before the learned Family Court.

5. The respondent shall give the visitation of both the children to the petitioner on every Sunday at 11:00 A.M. in the office of the Security Manger of DLF Mall of India, Sector-18, Noida and the petitioner shall return back the custody of both the children to the respondent in the office of Security Manager at 05:00 P.M. on the same day. The Security Manager shall provide the necessary arrangement to the parties to exchange the children in the office. The petitioner is at liberty to take his brother and his family at the time of the visitation. The petitioner is at liberty to take the children for lunch, games and also offer gifts to the children. The petitioner CM(M) 1395/2017 Page 2 of 3 is also at liberty to take the photographs of the children.

6. The petition is disposed of in the above terms. Pending application is also disposed of.

7. 8. The record of the learned Family Court be returned back. Copy of this judgment be given dasti to counsels for the parties under signature of Court Master. MARCH06 2018 ak J.R. MIDHA, J.

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