

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

LPA No. 184/2023
CM(6124/2023)

Date of order: 14.02.2024

Jewel Aryaji, age 33 years
S/O Dharam Singh
R/O H.No.209/1, Arya Niwas,
Vinayak Nagar, Muthi, Jammu

Vs.

..... Appellant(s)

Through: Mr Mayank Gupta, Advocate along with appellant
present

Versus

Sheetal Bhagat, age 32 years
W/O Sh. Jewel Aryaji
R/O A/P 267, Shiva Enclave, Lane No.3,
Roop Nagar, Jammu

.....Respondent(s).....

Riyansh Singh Arya
S/O Jewel Arya
R/O A/P 267, Shiva Enclave, Lane No.3,
Roop Nagar, Jammu

.....Proforma Respondent(s)

Through: Mr. K. Nirmal Kotwal, Advocate along with
Respondent No.1 present.

CORAM:

**HON'BLE MR JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER

ORAL:

1. The instant appeal has been filed against the judgment dated 08.09.2023 passed by learned Single Judge in WP(C) No. 2320/2023 titled

Sheetal Bhagat Vs. Jewal Arya Ji, whereby the learned Writ Court has set aside the order dated 09.06.2023 passed by the learned Additional Principal Judge (Family Court), Jammu, allowing appellant-father to meet his minor child at Aap Shambhu Mandir, Roop Nagar, Jammu, twice every month, i.e. on 2nd and 4th Sunday from 3 PM to 7 PM and the respondent-mother has been directed to hand over the minor child to the appellant-father and his family during the said time period.

2. Learned Single Judge has vide order dated 08.09.2023, while setting aside the order dated 09.06.2023 passed by the learned Additional Principal Judge (Family Court), Jammu directed it to hear the matter afresh and pass an appropriate orders after hearing both the sides. It may be noted that order dated 08.09.2023 passed by the learned writ Court in WP(C) No.2320/2023 was stayed by this Court vide order dated 16.10.2023 and when this matter came up for hearing again on 07.02.2024, the respondent-mother was directed to produce the child before the learned Additional Principal Judge (Family Court), Jammu on 10th February 2024 (Saturday) to enable the appellant-father to meet his minor child. We are informed that the said order has been complied.

3. Heard and perused the records.

4. The sole issue for consideration before us is as to whether the order dated 09.06.2023 passed by the learned Additional Principal Judge (Family Court), Jammu allowing the appellant-father to meet his minor child twice a month at a specified place is a valid order or not ?

5. During the course of arguments, Mr. Nirmal Kotwal, learned counsel for the respondent-mother submitted at Bar that respondent-mother undertakes to file response to the application seeking visitation right pending

before the learned Additional Principal Judge (Family Court), Jammu, so this appeal may be disposed of to which otherside has no objection provided order dated 09.06.2023 passed by the learned Additional Principal Judge (Family Court), Jammu shall sustain till application seeking visitation right is considered and finally decided by the said Court. Their statements are taken on record.

6. In view of the statements made by learned counsel for the parties, the instant appeal is disposed of with the following directions :-

(i) That, as an interim measure, the visitation right granted by the Additional Principal Judge (Family Court), Jammu vide order dated 09.06.2023 to the appellant-father shall sustain till application seeking visitation right is considered and finally decided by the said Court, after response to the said application is filed by the other side.

(ii) Learned counsel for the respondent-mother shall file response to the application seeking visitation right pending before the Additional Principal Judge (Family Court), Jammu, within ten days from today, who shall thereafter decide the application seeking visitation right within two weeks positively afresh after considering the response to be filed by respondent-mother.

7. **Disposed** of as above along with connected CM(s).

(Puneet Gupta)
Judge

(Tashi Rabstan)
Judge

Jammu
14.02.2024
“Madan Verma-Secy”

Whether approved for reporting? No.