

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 648 of 2013 (O&M)

Date of decision: September 29, 2015

Vineet Kathuria

...Petitioner

Versus

Shilpy Kathuria

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. JS Dhaliwal, Advocate,
for the petitioner.

Ms. Rahish Pahwa, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The revision petition is at the instance of the father claiming right of visitation of his child in the custody of the wife, who is mother of the child. The child was born on 30.9.2008 and when the request was made before the trial court for visitation, it would appear from the record that the child was brought to court and when the father attempted to approach the child, it began crying. The Court took this to be an expression of revulsion for the child to the father and declined the father's right of visitation. Years have rolled in our court, we have allowed the case file to gather the dust for another two years. Within this period, there was an attempt of mediation and it failed.

2. The parties were present in court at a hearing when I found both of them seemed educated and I, therefore, passed an order on 31.3.2015 that the parties would take assistance of a psychologist at P.G.I., Chandigarh, and ensure that the transition for the child is appropriately made to secure comfort in the presence of the father. I am informed that there have been a few sitting before the psychologist and the proceedings are still going on.

3. I do not think the proceedings before the psychologist where the parties are seeking counselling need to fetter the court from passing any order. If the child has not known the facets of its father's love, it is time that she does. If there is even any sense of revulsion, as observed by the trial court, it ought to give place to a natural filialty and bondage for a child to its father, in course of time. The petitioner's right of visitation will, in the initial period, be once in two weeks that will commence on Friday evening to Sunday morning. The first Friday and the third Friday of the month shall be the days when the father will have the right to interim custody and the father himself will take the custody of the child from the residence of the wife immediately after the school hours on the Friday and return the child at the place of the wife on Sunday morning immediately after breakfast. The child is just about 7 years old and the transition must be in such a way that appropriate assistance for doing any home works or projects connected with school activities will also be duly addressed. If there are any special occasions or inconveniences to either party as regards the custody, they may mutually make adjustment for another day, provided, however, that the father will have the right of custody on two distinct occasions of every

month, each occasion lasting for the same amount of time that I have provided above.

4. I have not the slightest belief that the court order could cement relationship between the parties or a child's love would be triggered by court's order. Only the parties must make that happen. I exhort the parties to play a sensible and matured role so that the child is spared of the trauma which the adults have brought upon themselves by matrimonial disharmony. It is needless to state that there is never a finality for interim custody or visitation rights. The parties are at liberty to approach the trial court for any alteration or modification of the order and the trial court would consider the same provided, however, such modification is not to whittle down the effect of the order, but only to enlarge the period already provided under this order.

5. The impugned order is set aside and the revision petition is disposed of on the above terms.

September 29, 2015
prem

(K.KANNAN)
JUDGE