

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

FAO No.3465 of 2014(O&M)

Date of decision : 28.08.2015

Vandana

..... Appellant

Versus

Krishan Kumar

..... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present: Ms. Aarti Gupta, Advocate
for the appellant.

Mr. R.N. Lohan, Advocate
for the respondent.

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RAJIVE BHALLA,J.(Oral)

The appellant impugnes an agreed order and another order, granting visitation rights to Prof. Krishan Kumar (the respondent), requiring the minor children (two) of the parties, aged 10 and 5, to be entrusted to the temporary custody of the respondent, at Police Station Sector-5, Gurgaon, every Saturday so as to travel from Gurgaon to Jind and return on Sunday.

We have heard counsel for the parties, interacted with the parties and perused the impugned order. The parties, it appears were more concerned about their own convenience than the trauma the minors would suffer in being asked to visit a Police Station and then travel from Gurgaon to Jind and back every weekend. The parties who are both professors in government colleges, should have been more sensitive to the rights of their minor children.

Be that as it may both parties who are present in Court agree that the impugned orders may be modified in the following terms:

The respondent shall be entitled to meet Vaibhav, aged 10 and Jia aged 5, every 15 days, on the first and fourth Saturday of each month

in the office of the Secretary Legal Services Authority, Gurgaon, from 2:00 pm to 4:00 pm.

As both parents are working in Government Colleges, the Principals of their respective colleges shall grant leave to them on the day the children are to be produced in the office of the Legal Services Authority, Gurgaon. As far as, the condition regarding visits during festivals, namely, condition recorded in paragraph 4 of order dated 11.12.2012, the arrangement shall continue. The condition reads as follows:

4. On festivals like Diwali, Holi, Dussehra, Children's Day etc. and their birthdays the petitioner shall have a right to meet the children for a period of 3 hours during day time at a place as per the convenience of the children and their mother.

The Principal of DAV School, Gurgaon shall allow the children to leave school on the day fixed for a meeting with their father at 1:00 p.m.

Both parties are Assistant Professor/Professor in government colleges at Gurgaon and Jind, respectively. We hope and expect that in case parties move a joint application for transfer of the respondent to Gurgaon, their request as a couple case shall be considered, by the concerned department (office) sympathetically and in accordance with law. The appeal is disposed by modifying the impugned orders in the above terms.

**[RAJIVE BHALLA]
JUDGE**

**[SNEH PRASHAR]
JUDGE**

28.08.2015
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