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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.) 154/2014**

MUSHAHID ALI

..... Appellant

Represented by: Mr.M.Hasibuddin, Adv. with
appellant in person.

versus

RAFAT KHAN

..... Respondent

Represented by: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **30.09.2016**

1. The appellant gives up challenge to the impugned order dated November 01, 2014 concerning custody of Baby Hania not being given to him and custody remaining with the respondent. The grievance which now subsists is to the impugned order not even adverting to visitation rights.

2. It is trite that where the petition under Section 25 of The Guardians and Wards Act, 1890 is disposed of and needless to state the decision would be in favour of one spouse, issue of visitation rights needs to be considered and dealt with.

3. Since the impugned order does not discuss visitation rights, the appellant who is present in person and the respondent who is present in person agree that upon an application filed by the appellant before the learned Family Court, the application being limited to the appellant having

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access to his daughter Baby Hania, the learned Judge Family Court shall decide the same after hearing the respondent and interacting with Baby Hania.

4. The learned Judge, Family Court would be conscious of the fact that the matrimonial bond between the appellant and the respondent has snapped. The appellant has got re-married and from the second wife, two children – a son and a daughter – are born. The learned Judge, Family Court would also be conscious of the fact that the appellant with his present wife and children is living in Sharjah.

5. The application filed by the appellant shall be expeditiously decided and in no case later than two months of the same being filed.

6. Appeal is disposed in above terms.

7. No costs.

CM No.20337/2014 & CM No.8903/2015

Disposed of as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

SEPTEMBER 30, 2016

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