

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.26219-CII of 2017 and
CR No.7783 of 2017
Date of decision: 14.12.2017**

Shweta

....Petitioner

V/S

Ashwani Sharma

.....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present : Mr. Ajaivir Singh, Advocate for the petitioner.

Mr. Sandeep S. Majithia, Advocate for the respondent.

B.S WALIA, J. (Oral)

1. Application i.e. CM No.26219-CII of 2017 is for recalling order dated 10.11.2017 on the allegation that the same is being misused by the petitioner.
2. With the consent of learned counsel for the parties, the main case is taken up for hearing and decision today.
3. Challenge is to order dated 11.10.2017 (Annexure P-1) passed by the learned Additional District Judge, Panchkula, whereby application moved by the respondent-husband for directions to the petitioner-wife to facilitate visiting rights to meet his daughter Aahaana Sharma on every Sunday between 11 a.m to 4 p.m at some public place was allowed.
4. On 10.11.2017, while issuing notice of motion, the Court had by taking into account the fact that the girl child of the parties was only 2 years old and therefore, handing over the custody of the 2 years old girl exclusively to the

respondent for a period from 11 a.m to 4 p.m would not be in the welfare of the infant, ordered that till the next date of hearing, the respondent would be allowed to meet his infant daughter between 11 a.m to 4 p.m on the day specified by the learned Additional District Judge, Panchkula, at some public place with prior intimation to the petitioner and in the presence of the petitioner. However, the directions of the learned Additional District Judge, Panchkula, allowing the respondent-husband to take custody of the minor daughter from the petitioner-wife for the period 11 a.m to 4 p.m on Sunday was stayed till the next date before the Bench.

5. Application has been moved by the respondent-husband alleging violation of the orders passed by this Court as also of the petitioner not granting free access to him to enable him to meet his daughter, creating difficulties by calling him at different places, not allowing him to be with his daughter from 11 a.m to 4 p.m etc.

6. When the case was taken up, the matter was put to learned counsel for the parties to suggest an appropriate place where the respondent-husband could meet his daughter on the designated day and time. After consultation, amongst themselves, learned counsel for the parties proposed that the petitioner could bring the girl child Aahaana on 1st and 3rd Saturday of the month in the playroom attached to the Mediation and Conciliation Centre of this Court while for the other two weeks, the petitioner could bring the girl child to the play area i.e. Funcity on the 4th Floor of Elante Mall, Industrial Area, Chandigarh on 2nd and 4th Sunday of the month.

7. I have considered the proposal made by learned counsels for the parties and am of the considered view that the proposal made merits acceptance.

Accordingly, the petitioner is directed to bring the girl child Aahaana on the 1st and 3rd Saturday of the month to the play room attached to the Mediation and Conciliation Centre of this Court from 11 a.m to 4 p.m while for the 2nd and the 4th week of the month, the child would be taken by the petitioner to play area i.e. Funcity on the 4th floor of the Elante Mall, Industrial Area, Chandigarh on Sunday from 11 a.m to 4 p.m to enable the respondent-husband i.e. father of the girl child to be with her during the period 11 a.m to 4 p.m.

8. Accordingly, the application for recalling order of this Court dated 10.11.2017 as well as the revision petition is disposed of by modifying the order of the learned Additional District Judge, Panchkula dated 10.11.2017 to the extent as noted above. Parties would be at liberty, if the circumstances of the case, so warrant, to move an application for appropriate modification.

9. Copy of this order be forwarded to the Mediation and Conciliation Centre of this Court.

December 14, 2017
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.