

FAO-M-7607 of 2015 (O&M)
Date of decision : January 19, 2017

Sunil Kumar

...Appellant

VERSUS

Prem Chand and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.JEYAPPAUL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present : Mr.Prateek Gupta, Advocate
for the appellant.

Mr. Kulbhushan Sharma, Advocate
for the respondent.

M.JEYAPPAUL, J.(ORAL)

Appellant-Sunil Kumar has challenged the dismissal of the petition filed by him under Sections 7 and 12 of the Guardianship and Wards Act. He sought for custody of his children from the respondents who are the maternal grand parents. But the trial Court declined the prayer for custody sought for by the appellant.

The matter came up for hearing before the Co-ordinate Bench on 18.12.2015. Having gone through the impugned judgment, notice was issued in the appeal to decide the limited question as to whether the appellant will have visitation right.

Both the parties alongwith children were present.

We interacted with the children. At the initial stage, they hesitated to talk with the appellant. After much persuasion they have agreed

to co-operate with the appellant to exercise his visitation right in the presence of the respondents who are the maternal grant parents.

We are also of the considered view that appellant being the biological father is entitled to visitation rights.

Therefore, we dispose of the appeal by giving visitation rights to appellant Sunil Kumar that shall be exercised in the following manner.

Respondents shall bring the children Versha and Mohin to Town Park, Sector 12, Faridabad at 11 a.m. during last Sunday of every three months to enable the appellant to exercise his visitation rights upto 4.00 p.m. on that day. One of the respondents shall be present for 2/3 occasions when the visitation rights are being exercised by the appellant to make the children feel comfortable with the appellant. Thereafter, the respondents shall drop the children at the said designated spot at the prescribed time and leave the children in the custody of the appellant to exercise his visitation rights upto 4.00 p.m. on that day.

The appellant shall exercise the first visitation rights on 26.03.2017.

Appeal stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASHI)
JUDGE

January 19, 2017

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Whether Speaking/Reasoned	Yes
Whether Reportable	No