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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 16/2017
DR RAKESH KAPUR Petitioner
Through Petitioner in person with counsel.

versus

SAPNA KAPUR Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **06.01.2017**

C.M. No.373/2017 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

CM(M) 16/2017 & C.M. No.372/2017

Petitioner is aggrieved by the order dated 26.12.2016 passed by the learned Family Court Judge wherein the overnight stay qua the child of the parties had been denied to the petitioner. His submission is that earlier he had been granted visitation rights along with overnight stay but in this winter vacation the same has been denied to him. The winter vacation is to expire on 15.01.2017. Noting the date of today it would probably be a useless exercise to ask the party to appear.

In this view of the matter, after some arguments, learned counsel for petitioner under instructions from his client seeks permission of this Court to withdraw this petition.

His apprehension is that even in the ensuing vacations he may not be granted an overnight stay with his child. This Court notes that this is for the Family Court to make a decision in this regard as per its discretion but it is observed that on an application being filed well in advance by the petitioner, the same shall be taken up by the Family Court Judge and decided before the vacation starts; this would be necessitated in view of the vehement submission of the petitioner that in case he needs to file an appeal against that order, the time period being short for vacation, such an application (as in the instant time) may become infructuous. This liberty is accordingly granted to the petitioner.

This Court notes that any observation in this order will not influence the Family Court Judge while dealing with any proposed application which may be filed by the petitioner in future.

Learned counsel for petitioner additionally points out that the pleadings in the main petition i.e. G.P. No.40.2016 are complete and parties have also filed their written submissions. Learned Family Court Judge will endeavour to dispose of the said petition expeditiously.

With these directions this petition is disposed of.

INDERMEET KAUR, J

JANUARY 06, 2017
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