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

+ **MAT.APP.(F.C.) 33/2017**

**MASTER ARYAN AND BABY ARSHEYA
THR GAGAN BANSAL**

..... Appellant

Represented by: Mr.Arjun Sawhney, Advocate.

versus

NAMITA BANSAL

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **23.02.2017**

CM No.7489/2017

Allowed subject to just exceptions.

CM No.7490/2017

For the reasons mentioned in the application the delay of 58 days in filing the appeal is condoned.

The application is allowed.

MAT.APP.(F.C.) 33/2017

1. The impugned order is of a kind which require disposal of the appeal without a notice to the respondent for the reason as per the impugned order since learned counsel for respondent informed the Court that the respondent withdraws the consent given when order dated July 18, 2016 was passed, the

said order granting visitation right to the appellant was withdrawn.

2. As per order dated 18.07.2016, by consent, visitation rights were given to the appellant.
3. Suffice it to say that if the respondent does not give her consent for visitation rights, it is the duty of the Court to pass necessary orders.
4. Under the circumstances, the appeal is disposed of directing that Guardianship Petition No.13/2015 shall be listed before learned Judge, Family Court on February 28, 2017. The learned Judge would pass the necessary orders in respect of the visitation rights claimed by the appellant.
5. Necessary orders would be passed within ten days reckoned from February 28, 2017.
6. Dasti under signature of the Court Master today itself.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

FEBRUARY 23, 2017

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