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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 278/2017
RITU TANEJA

Through Ms.Swaty Singh Malik and
Ms.Ashtha Jain, Advocates. Petitioner

versus

VINEET TANEJA

Through None. Respondent

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **08.03.2017**

C.M. No.9458/2017 (exemption)

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

CM(M) 278/2017 & C.M. No.9459/2017

Petitioner has impugned the order dated 18.02.2017 passed on the application which had been filed by the non-applicant/husband (under Section 12 of the Guardian and Wards Act), the Family Court Judge had accorded permission to the father to take the child with him on the festival of Chhoti Holi (12.3.2017) for a period of four hours i.e. between 1.00 p.m. to 4.00 p.m. Since the parties were at war with one another (which is evident from the import of the order), learned Family Court Judge thought it fit that the husband would pick up the child from the house of estranged wife in the presence of a local

commissioner (Ms.Achala Srivastava). The Principal Counsellor attached to the said Family Court and the local commissioner would visit the house of the wife to pick up the child for the aforementioned visitation. The Family Court Judge had been constrained to pass that order as on previous occasions the visitation rights granted to the petitioner could not be fully complied with because of the hurdle created by the wife and accordingly the petitioner-husband had even made a submission that he be accorded police help for the aforementioned visitation. The order dated 18.02.2017 also notes that although notice of this application had been served upon the father of the non-applicant but the same was refused to be accepted by him. This visitation was accordingly granted for a period of four hours i.e. between 1.00 p.m. to 5.00 p.m.

The grievance of the petitioner is that apart from the fact that the visitation for a period of four hours is on out-stretched premise, even otherwise the permission accorded to the father to take the child out i.e. outside the Court premises is a modification of the earlier orders being passed by the learned Family Court Judge; the petitioner wife is apprehensive that the child who is psychologically stressed would again suffer a trauma.

This Court notes not only the impugned order but also the series of orders passed earlier by the Family Court Judge. The order dated 24.10.2016 passed by this Court is also noted. The parties had been called in Chambers. The subsequent order passed by this Court on 22.11.2016 had also noted the warring contentions inter se the parties and the submission of the husband that the visitation rights

which had been granted to him (twice in every month for two hours each) were always reduced to a lesser time period because of the attitude of the wife who would not bring the child in time and would also often take the child away on the pretext of going to the washroom. This order (dated 22.11.2016) had granted permission to the petitioner to take the child for visitation on any important hindu festival on an appropriate application being made by him. In this background this Court is of the view that the order passed by the Family Court Judge suffers from no infirmity. Petition dismissed.

INDERMEET KAUR, J

MARCH 08, 2017

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