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

+ **FAO 308/2013 and C.M. Appl. 11787/2013**

REKHA ..... Appellant

Through: Appellant in person

versus

DEVENDRA GOVIND RAM RAVIN ..... Respondent

Through: Respondent in person with his father  
Shri Govind Ram

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

% **12.10.2017**

1. The appellant has challenged the order dated 08<sup>th</sup> July, 2013, whereby the learned Trial Court has directed the appellant to hand over the custody of Baby Anjali @ Anju @ Sakshi to the respondent.
2. Both the parties are present in Court. Anjali is also present in Court along with the appellant.
3. Anjali is more than 15 years old and she is staying with the appellant. The appellant is staying with her parents at Paschim Puri. Anjali is studying in 11<sup>th</sup> standard in Bal Vikas Public School, Paschim Vihar.
4. The parties were married on 29<sup>th</sup> May, 2001 and they separated in February, 2002. Anjali was born after their separation on 22<sup>nd</sup> June, 2002 and since then, she is staying with the appellant. Anjali visited the respondent three to four times under the orders of the Court.
5. Anjali, present in Court, submits that she wants to stay with the appellant. She further submits that when she went to the respondent during visitation, the respondent told her that he has re-married and he introduced

her to his alleged second wife. She further submits that the respondent has two children from the second wife.

6. The respondent, present in Court, disputes the second marriage. He, however, admits living with a woman in a live-in relationship and has two children from the live-in relationship.

7. In the facts and circumstances of this case, this Court is of the view that it is not in the interest of Anjali to handover her permanent custody to the respondent.

8. The appeal is allowed and the impugned order dated 08<sup>th</sup> July, 2013 is set aside.

9. The respondent, present in Court, submits that he be given visitation rights to meet Anjali. The appellant as well as Anjali, present in Court, have no objection to the visitation rights of the respondent to Anjali.

10. The respondent is granted visitation rights to meet Anjali for half day, once in a month. To start with, the respondent shall meet Anjali on 15<sup>th</sup> October, 2017 and thereafter, on the second Sunday of every month i.e. 12<sup>th</sup> November, 2017; 10<sup>th</sup> December, 2017 and so on.

11. The appellant shall bring the child to the entrance of Capitol City Mall, Paschim Vihar on 15<sup>th</sup> October, 2017 at 11:00 a.m. and handover the child to the respondent after which she will remain with the respondent till 04:00 p.m. Since Capital City Mall is not operational, the respondent shall take Anjali to Pacific Mall, Subhash Nagar, Delhi or some other mall opted by Anjali in Rajouri Garden/Moti Nagar/Kirti Nagar area. The respondent shall hand over Anjali back to the appellant at 04:00 p.m. at the same place where he received her.

12. In the event of any unforeseen exigency such as illness or examination etc., the parties shall communicate with each other and in the event of any difficulty, they shall communicate through their respective

counsels before the Family Court. In such an event, the parties shall fix the next Sunday or any other convenient date in such a manner that the respondent gets one visitation right every month.

13. List for reporting compliance of the first meeting on 16<sup>th</sup> October, 2017 at 02:30 p.m.

14. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

**J.R. MIDHA, J.**

**OCTOBER 12, 2017**

**rsk**