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

+ **MAT.APP.(F.C.) 127/2017 and CM No.26404-05/2017**

PREETY VAID

..... Appellant

Through : Mr. Gurinder Pal Singh, Advocate

versus

ANAND VAID

..... Respondent

Through : None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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28.07.2017

1. The appellant/wife is aggrieved by an order dated 12.5.2017 passed by the learned Family Court, North-West, Rohini, Delhi granting her visitation rights to meet the minor child of the parties aged 12 years on the third Saturday of every month between 3 pm to 4 pm in the children's room at the Family Court, Rohini.
2. The grievance of the appellant is that she is a permanent resident of District Sambalpur, Orissa and after travelling all the way from there to Delhi on a monthly basis, she gets to meet her son only for one hour which is too little time for her to interact with him.
3. Mr. Singh, learned counsel for the appellant states that under the impugned order, learned Family Court has disposed of the appellant's application under Section 25 read with Section 12 of the Guardians and Wards Act, 1890 whereunder, she had sought interim custody of the minor child, leaving her remediless.

4. In view of the fact that the minor child is school going and has been permanently residing in Delhi, we do not find any infirmity in the observations made in the impugned order that initially, the appellant should be permitted to meet the child on a monthly basis. This is all the more so, since the appellant had allegedly been thrown out of her matrimonial home in January, 2016, while the child has remained in Delhi with the father. However, having regard to the submission made by counsel for the appellant, as noted above, the present appeal is disposed of with liberty granted to the appellant to approach the learned Family Court for seeking modification of the order dated 12.5.2017, by requesting that the period of the monthly visitation may be increased to at least a couple of hours. Thereafter, if the minor child is comfortable with the appellant and wants to meet her more often for a longer period, the appellant can always approach the Family Court for further modification of the order.

5. The appeal is disposed of, along with the pending applications.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 28, 2017/sk/rkb