

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.6347 of 2018

Date of Decision :21.11.2018

Neetika w/o Vikas Gill

....Petitioner

VERSUS

Vikas Gill

...Respondent

BEFORE : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Bhoop Singh, Advocate for the petitioner.

Mr. Sandeep Lather, Advocate for the respondent.

B.S. WALIA, JUDGE (Oral)

1. Learned counsel for the petitioner states that initially vide order dated 20.8.2018, the learned trial Court granted visitation rights to the respondent for 6 hours i.e. from 10.00 am to 4.00 pm in the building of DLSA, Jind on the 1st Saturday, 2nd Friday, 3rd Saturday and 4th Friday of the month while directing the parties to get their as well as their child's presence marked in DLSA Office at Jind. Liberty was also granted to the respondent to take the child out of the DLSA building from 12.00 pm to 2.00 pm to look after the nourishment needs of the child. The visitation rights were further made subject to deposit of ₹23,000/- per month by the respondent in the bank account of the petitioner on or before the 5th day of every month. The order further recorded that in the eventuality of either of the dates as per schedule being a holiday, the respondent would have the right to meet his son on the next following Monday.

2. Subsequently, vide order dated 26.10.2018 in view of the communication from the learned CJM-cum-Secretary DLSA, Jind that constant supervision of meeting of parties in DLSA building was not feasible and was affecting the discharge of other official duties of the learned CJM-cum-Secretary DLSA, Jind and on consequential request for change of place of meeting of the parties, the learned trial Court changed the place of meeting of the respondent with his child from the office of DLSA, Jind to Creative Corner Play School, Jind where the child is studying.

3. Order dated 26.10.2018 is not on record.

4. On oral request of learned counsel for the parties, the Order dated 26.10.2018 duly signed by the learned counsel for the parties is taken on record as Mark 'A'.

5. The petitioner had initially come up against the order dated 20.8.2018 on the ground that the duration of the visitation rights was excessive, secondly that the petitioner was working on contract basis as BAMS doctor in Rashtriya Bal Swasthya Karyakaram under National Health Mission Scheme and it was not possible for her to take leave on four days in a month in order to take the child to the DLSA Centre and lastly, that it would be detrimental to the health of the child if he was given food from outside and for that purpose she was willing to send nourishment for the child alongwith the child.

6. Despite strenuous efforts of the Court to ensure the preservation of the visitation rights as granted by the learned trial Court though by changing the venue, consensus could not be reached amongst the parties through their counsel.

7. At this stage, learned counsel for the petitioner states that the venue can be shifted from the Creative Corner Play School, Jind to Bal Bhawan located in the office of the District Child Welfare Officer at Rani Talaab, Jind though the duration of visitation rights and the days of visitation require modification. I find merit in the contention of learned counsel for the petitioner, especially as granting 6 hours of visitation rights when the school is functioning is bound to affect the study of the child.

8. Accordingly, the venue of the place for visit is changed from the Creative Corner Play School, Jind to the Bal Bhawan located in the office of District Child Welfare Officer at Rani Talaab, Jind on Fridays of 1st and 2nd week and Mondays of 3rd and 4th week of the month. Likewise, taking into account that the visitation rights should not affect the studies of the child, the visitation rights are modified from 10 am to 4 pm to 2.30 pm to 5 pm in Bal Bhawan located in the office of District Child Welfare Officer, Jind.

9. Learned counsel for the petitioner further prays that the condition imposed on the petitioner taking the child personally to the designated place for visit by the father should also be modified in order to avoid her having to take a holiday which she cannot afford on account of being employed on contract basis, instead the grandmother/grandfather of the child be permitted to take the child to the designated place. Although it would have been more desirable if the petitioner herself was to take the child for meeting the respondent-father yet in view of the difficulty expressed by the petitioner the aforementioned condition is also relaxed and it is ordered that the child of the parties would be taken to the designated place by the grandmother/grandfather of the child so as to arrive at the designated place at

2.30 pm sharp on the stipulated dates so as to enable the respondent to meet the child till the stipulated period of time till 5 PM.

11. Orders dated 20.8.2018 and 26.10.2018 stand modified to the extent as noted above.

12. Needless to mention, the grandmother/grandfather on taking the child to the Bal Bhawan for meeting the respondent would not interfere in any manner with the respondent meeting the child during the designated period except to the extent of ensuring the safety of the child.

13. Accordingly, impugned orders dated 20.8.2018 and 26.10.2018 are set aside and are modified with the order passed by this Court.

14. Revision petition stands disposed of.

November 21, 2018
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No