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

+ MAT.APP.(F.C.) 212/2018

PRIYANKA SIWAS

..... Appellant

Through

Mr. Manoj Ohri, Sr. Advocate with Mr.
Vinod Kumar, Mr. Harsh Sethi, Mr.
Animesh & Mr. Nawab Singh Juglan,
Advocates.

versus

ARUN SANGWAN

..... Respondent

Through

None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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24.08.2018

Challenge in this appeal is to the order dated 04.08.2018 by which the Family Court has allowed visitation rights to the respondent/husband to meet his 6 years old son in the Children Room, Family Courts, Saket on 4th Saturday of every month from 2:00 PM to 5:00 PM.

Mr. Ohri, learned Senior Counsel appearing for the appellant submits that the child is 6 years old and he is of impressionable age and further respondent has made no effort to meet his child for the past several years of separation with his wife. It is submitted that the application for visitation is not bonafide and the same has been filed only after an order dated 24.11.2017 has been passed fixing maintenance to be paid to the minor, which has not been paid.

Mr. Ohri further submits that the Family Court should have, at the first instance, directed the child to meet the counsellor so that the mind of the child could be assessed. Additionally, it is submitted while relying on various copies

of communication exchanged between the parties that the respondent is used to using highly derogatory language and that would have an adverse impact on the child.

We have heard learned counsel for the appellant and have carefully examined the order passed by the Family Court. Mr. Ohri, learned Senior Counsel for the appellant has contended that the application filed by the respondent seeking visitation rights with respect to the minor son is not bonafide for the reason that no such application was pressed till an order dated 24.11.2017 granting maintenance has been passed. The second submission made by Mr. Ohri is that in the past, no effort has been made by the father to meet his son. Thirdly, reading of some of the messages placed on record would show that the company of the father would not be suitable for the child on account of language used by him in the messages. We find the submission made without any force. The Family Court has in fact fixed meeting of the child with the father in the Children Room, Family Court, on 4th Saturday of every month from 2:00 PM to 5:00 PM. The Family Court has also considered and rightly so that for the balanced growth of the child, love, affection and care of both father and mother is necessary and litigations between the mother and father should not be a ground to deny the father visitation rights. During the course of the hearing, Mr. Ohri has also contended that prior to allowing the child to meet the father, the Family Court should have appointed a counsellor to interact with the child at the first instance. We find no exceptional circumstances, which have been brought to our notice which would dis-entitle the father from meeting his child for 2 hours in a month and in the Children Room of the Family Court. Accordingly, we find no ground to entertain this appeal. However, it would be open for the appellant to make an application, if so advised, before the Family Court for appointment of a counsellor. In case, such an application is filed, the Family Court would consider the same in accordance with law unaffected by the

observations made by us while passing this order.

With these directions, the appeal stands disposed of.

Copy of order be given *Dasti* under signature of the Court Master.

G.S.SISTANI, J

C. HARI SHANKAR, J

AUGUST 24, 2018

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