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

+ CM(M) 483/2017, CM APPL. 16526/2017

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..... Petitioner

Through: Mr. Karan S Thukral with Mr. Rohit
Yadav, Advs with Petitioner.

versus

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..... Respondent

Through: Mr. R. K Tewari , Mr. O. P. Sharma
and Mr. Y. R. Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **09.02.2018**

1. The petitioner has challenged the order dated 28th March, 2017 whereby the learned Family Court rejected her petition under Section 25 of the Guardian & Wards Act, 1890 on the ground of lack of territorial jurisdiction.
2. After some hearing, learned counsels for both the parties agree that the impugned order dated 28th March, 2017 be set aside and the case be remanded back to the learned Family Court to adjudicate the case on merits.
3. The impugned order dated 28th March, 2017 is set aside and it is held that the learned Family Court has territorial jurisdiction to entertain and try the petition. The parties shall appear before the learned Family Court on 20th March, 2018 at 03:00 PM along with the minor child. The respondent shall file written statement within 30 days from today with advance copy of learned counsel for the petitioner, who shall file the replication before the learned Family Court on 20th March, 2018. On 20th March, 2018, the learned

Family Court shall examine the parties and the child and thereafter, fix the date for oral hearing. The learned Family Court shall endeavour to expedite the hearing and disposal of the matter.

4. The respondent shall give the visitation of the minor child named, Baby Khanak to the petitioner once every fortnight. The first visitation shall be given by the respondent to the petitioner on 11th February, 2018. On 11th February, 2018, the respondent shall hand over Baby Khanak to the petitioner at “Kingdom of Dreams”, Sector –29, Gurugram at 12:00 noon in the office of Security Manager and the petitioner shall hand over the child back to the respondent at 05:00 p.m. in the office of Security Manager. Security Manager of Kingdom of Dreams shall provide necessary assistance to the parties for handing over and returning back of the child. The petitioner is at liberty to play, have lunch with the child and also offer her gifts during visitations.

5. The respondent shall provide the visitation right in the similar manner to the petitioner after every alternative Sunday. However, parties are at liberty to change the venue of the meeting at a child friendly place.

6. Learned counsel for the petitioner seeks permission to keep the child for overnight stay. This Court is of the view that overnight stay would not be feasible at this stage considering that the child has not stayed with the mother for last more than one year. Liberty is given to the petitioner to approach the learned Family Court after two visitations have taken place in terms of this order. The Family Court is at liberty to modify and vary this order relating to the visitation rights.

7. This petition is disposed of in the above terms.

8. Pending applications are disposed of.

9. This Court appreciates the fair assistance rendered by Mr. R.K. Tewari, learned counsel for the respondent, in this matter.

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

J.R. MIDHA, J.

FEBRUARY 09, 2018

Pallavi