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

+ **MAT.APP.(F.C.) 220/2018 & CM No. 41909/2018**

PANKAJ JAIN

..... Appellant

Through: Mr. Prabhjit Jauhar and Ms. Upasana
Goel, Advs.

versus

PARUL JAIN

..... Respondent

Through: Ms. Malavika Rajkotia, Mr. Ravi
Awasthi and Mr. Ramakant Sharma,
Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.12.2018

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Challenge in this appeal is to an interim order dated 20.11.2018 passed by the Family Court wherein supervised visitation rights were granted to the appellant/ father. During the pendency of the appeal and with the consent of the parties, this order was modified as detailed below:

“Pursuant to the agreed directions in the order dated 29.10.2018, the father has interacted with the child. The parties agree for the following directions till the next date of hearing:

- 1. Ms.Veena Ralli, advocate, who is a senior and trained mediator and specialises in family matters, is requested to interact with the appellant and the respondent and guide them towards their obligations, do's and don'ts while interacting and meeting with the 5 ½ years old child.*
- 2. The father will meet the child from 11.30 a.m. to 5.00 p.m. on first and third Saturdays of every month commencing from 01.12.2018. The child will be picked up and dropped*

at the residence of the respondent. Parties shall ensure that the time is spent with the child in a congenial manner. The parties, who are present in person, assure the Court that they will not talk ill about each other in front of the child and will not try to brain wash the mind of the child.

- 3. The parties will meet the Mediator at such time as is convenient to her.*
- 4. It is agreed that the appellant will accompany the respondent and the child to the Parents Teachers Meeting (PTM), which is fixed for 01.12.2018.*
- 5. It is also agreed that for the month of December, 2018, the appellant father will meet the child on 02.12.2018, on account of a family function, on which date the father will pick up the child at 10.30 a.m. and drop her back by 5.00 p.m. In view of a marriage in the family, on second Saturday i.e. on 09.12.2018, the father will pick up the child at 6.00 p.m. and drop her back by 9.30 p.m.*

Parties shall appear before the Mediator, Delhi High Court Mediation and Conciliation Centre on 22.11.2018.

List the matter before the Court on 20.12.2018.”

Mr. Jauhar, learned counsel for the appellant submits that the father should be allowed overnight visitation and the father be allowed to share the holidays with the child during the vacations.

We note that the order impugned before us is purely an interim order and the Family Court is still seized of the matter. Accordingly, we are of the view that no further orders are required to be passed in this appeal.

Both counsels point out that the concerned court is not functioning for the last four months. Accordingly, we transfer this case to the Court of

Sh. Dinesh Bhatt, another Family Court, Tis Hazari Courts itself. The matter would be taken up tomorrow i.e. 21.12.2018, when both the parties agree to appear without any further notice to each other. As agreed, the impugned order stands modified and the appeal is disposed of accordingly.

The order dated 20.11.2018 be corrected as the appearances have been incorrectly marked.

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

G.S.SISTANI, J

JYOTI SINGH, J

DECEMBER 20, 2018

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