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

+ CM(M) 823/2017 and C.M. Appl. No. 9383/2018

N Petitioner
Through: Mr. Anil K. Aggarwal, Advocate

versus

M Respondent
Through: Dr. Harish Uppal, Ms. Perna Mehta
and Mr. Tileshwar Prasad, Advocates

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
15.03.2018

C.M. Appl. Nos. 43929/2017 & 9384/2018

Allowed, subject to just exceptions.

CM(M) 823/2017

1. The petitioner filed two applications dated 09th March, 2017 and 12th July, 2017 before the learned Family Court in respect of which the learned Family Court vide order dated 22nd July, 2017 observed that the consideration of the aforesaid applications would amount to modification of the visitation rights granted by this Court vide order dated 21st October, 2016 in C.M.(M) 1059/2016.
2. Learned counsel for the petitioner submits that the petitioner is seeking modification of the visitation rights in view of the subsequent events after the order dated 21st October, 2016 passed by this Court.
3. This Court is of the view that the subsequent events after the order dated 21st October, 2016 can be taken into consideration by the Family Court. In that view of the matter, the Family Court shall adjudicate the

applications dated 09th March, 2017 and 12th July, 2017 filed by the petitioner. The Family Court shall permit the petitioner to refer to the subsequent events after the order dated 21st October, 2016 at the time of the hearing.

4. Learned counsel for the respondent submits that the respondent has filed an application dated 25th March, 2015 which should also be taken up by the Family Court along with petitioner's applications dated 09th March, 2017 and 12th July, 2017.

5. Learned counsel for the respondent submits that the respondent's application dated 25th March, 2015 has already been disposed of. Dr. Uppal, learned counsel for the respondent, submits that the application dated 25th March, 2015 in G.S. No.20/2014 is still pending and has not been disposed of.

6. The Family Court shall examine whether the respondent's application dated 25th March, 2015 is still pending or has been disposed of. If the said application is pending, the Family Court shall take up the same for hearing along with the petitioner's applications.

7. This petition and the pending applications are disposed of. The interim arrangement in terms of para 5 of the order dated 24th August, 2017 shall continue till the disposal of the petitioner's applications dated 09th March, 2017 and 12th July, 2017 and other pending applications.

8. The respondent has filed an application bearing C.M. 9383/2018 seeking permission to take the minor daughter, Manasvini to Jim Corbett Park from 17th March, 2018 to 20th March, 2018. Since this matter is being disposed of today, it would be appropriate for the respondent to file this application before the learned Family Court. Learned counsel for the respondent submits that he shall file an application on the lines of C.M. 9383/2018 before the Family Court tomorrow. The respondent has received

the copy of the application. Learned counsel for the respondent submits that he does not wish to file any reply to the application and he shall make oral submissions to oppose the application tomorrow.

9. The parties shall appear before the learned Family Court tomorrow i.e. 16th April, 2017 at 02:30 p.m. when the respondent shall file an application on the lines of C.M. 9383/2018 and Family Court shall expedite the hearing and disposal of the respondent's application and shall thereafter, fix the case for hearing on the petitioner's applications dated 09th March, 2017 and 12th July, 2017 as well as the other pending applications.

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

J.R. MIDHA, J.

MARCH 15, 2018
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