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

+ MAT.APP.(F.C.) 254/2018

OJISHA SHARMA

..... Appellant

Through Appellant in person.

versus

ANIL SHARMA

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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05.10.2018

CM APPL 41208/2018 (Exemption)

Exemption is allowed subject to just exceptions.

Application stands disposed of.

CM APPL 41209/2018 (Delay)

This application has been filed by the applicant/appellant seeking condonation of 77 days delay in filing the present appeal. Although, sufficient grounds have not been raised to condone the delay, but, since, we have heard the matter on merits, we allow the application seeking condonation of 77 days delay in filing the appeal. Accordingly, delay of 77 days in filing the appeal is condoned.

The application stands disposed of.

MAT.APP.(F.C.) 254/2018

Challenge in this appeal is to the order dated 06.03.2018 by which the Family Court has allowed the father to meet the child on the 3rd Saturday of each month at 3 PM in the Children Room, Family Court, Dwarka for a duration of one hour.

The appellant, who is appearing in person, submits that the order of the

Family Court should be recalled and set aside as the Family Court has failed to take into account that the father did not behave well in the presence of the child. Additionally, it is contended that the respondent/father had filed an application seeking custody only after the appellant had filed an execution petition as the respondent had failed to clear the arrears of the maintenance. The appellant further submits that the conduct of the father disentitles him to meet the child and in case the visitation rights are to be granted then it should be once in four months.

We have heard the appellant and have also examined the order passed by Family Court. The appellant has failed to point out or show any substantive ground which would disentitle the father to meet the child. In fact, it has repeatedly been held that love and care of both parents go a long way for the normal growth of a child. We find that the order of the Family Court is rather conservative in nature. The court has allowed the father to meet the child for only one hour in the Children Room, Family Court, Dwarka and on 3rd Saturday of each month. It has been alleged before us that the father misbehaves and abuses the child. We, however, make it clear that in case the father misbehaves or abuses the child as has been alleged, it would be open for the appellant to seek variation of the order before the Family Court. However, we make it clear that we have not expressed any opinion with regard to the allegations which have been made. We find no ground to interfere in the appeal. The appeal is accordingly dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 05, 2018/ck /