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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1287/2018 & CM 44402/2018

KAPIL KAKAR

..... Petitioner

Through: petitioner in person.

versus

SHRUTI KAKAR

..... Respondent

Through: Ms.Vandana Kejriwal,Adv

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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01.11.2018

Learned counsel for the respondent submits that the memorandum of appearance would be filed during the course of the day and authorization would be filed within a day.

A bare perusal of the petition indicates that the prayer clause made therein are to the effect:

- “a. Set aside order dated 09.10.2018 passed by Ld. Ms. Madhu Jain, Family Judge, Saket in HMA No. 223/2018 arise out of MOU *dated* 02.01.2018 during pendency of the application under Section 26 HMA for visitation rights to the Petitioner/Father of the minor daughter.
- b. Pass an order directing the Ld. Family Judge to hear the matter expedite.
- c. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

The order that is sought to be set aside vide the prayer clause

‘A’ is the order dated 9.10.2018 of the learned Judge, Family Court (South-East) which reads to the effect:

“HMA No. 223/18

Kapil Kakar Vs. Shruti Kakar
09.10.2018

Present: Petitioner no. 1 with counsel Sh.
Raghav Kakar.
Sh. Sujeet Keshari, counsel for
petitioner no. 2.

Further arguments heard.

List the matter for orders on 28.11.2018.

A perusal of the petition indicates vide paragraph (q) thereof, whereof it has been submitted to the effect:

“q) The Ld. Family Judge did not pass any orders on the Contempt Petition on 09.10.2018 and also did not pass any interim orders on the application under Section 26 of HMA for visitation rights filed by the Petitioner. The Ld. Family Judge adopted a very insensitive and casual approach and failed to consider the urgency of the application requesting visitation rights while adjourning the matter for 28.11.2018. The copy of the orders passed in HMA 223/2018 passed by Ld. Family Court, Saket is annexed herewith as Annexure P- 11 (colly).”

Placed on record is also an application filed by the petitioner under Section 151 CPC seeking grant of visitation rights qua the minor daughters during the pendency of the present petition. Taking into account the prayer clause further in the present petition as it is indicated that the matter is already pending qua consideration of a contempt petition and an application requesting for visitation rights

before the learned Principal Judge, Family Court (South-East) for the date 28.11.2018, presently in the present proceedings it would be suffice if the learned Principal Judge, Family Court (South East) is directed to expedite to dispose of the matter listed for orders on date 28.11.2018.

There is no opposition on behalf of the respondent to the direction, if any, made to the learned Principal Judge, to expedite the pronouncement of orders as fixed on the date 28.11.2018 vide order dated 9.10.2018.

A prayer is also made on behalf of the petitioner that he has not met his daughters for the last six months and Diwali is also to come.

On behalf of the respondent it is submitted by the learned counsel for the respondent that the contention raised on behalf of the petitioner that he has not met his daughters for the last six months is not correct.

Be that as it may, as the learned Principal Judge Family Court already seized of the aspect, it would suffice to direct and it is so directed and the learned Principal Judge, Family Courts (South-East) is directed to expedite the pronouncement of orders fixed for 28.11.2018 by the date 5.11.2018.

Copy of this order be sent to the learned Trial Court forthwith.

The petition calls for no further orders and is disposed of.

ANU MALHOTRA, J

NOVEMBER 01, 2018/sv