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

+ CRL.M.C. 3/2018 and Crl.M.A. 13/2018 (stay)

HITESHI KALRA

..... Petitioner

Through: Ms.Devna Soni, Mr.Adhirath Singh,
Mr.Jatin Sehgal, Mr.Harish Malik,
Mr.Viren Bansal, Mr.Madhav, Ms.
Eysha Marysha, Mr.Ashish Garg and
Mr.Raymon Singh, Advs.

versus

VISHAL KALRA & ANR

..... Respondents

Through: Mr. Hari Kishan, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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04.09.2018

After some hearing, the learned counsel for the respondents undertakes, on instructions, that the visitation rights as granted in favour of the petitioner by the orders which are impugned by the petition at hand shall be scrupulously and without any let or default be abided by in letter and spirit.

The learned counsel for the petitioner, on the other hand, on instructions, submits that she does not press for any further relief in the petition at hand though she seeks liberty for the petitioner to move fresh application for custody of child given her own improved medical condition over the period. The counsel for the respondents submits no objection to such fresh application for custody being moved before the

Metropolitan Magistrate dealing with the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 from which these proceedings arise also assuring full cooperation in early disposal of each application.

The parties are bound by their undertakings as recorded above.

The petition and the application filed therewith are dismissed as withdrawn. The petitioner is given liberty as prayed as noted above.

Given the factual background, it would be desirable that the Metropolitan Magistrate in *seisin* of the matter shall take a decision on such application as is proposed to be moved for the custody of the child at the earliest, preferably within three months of the date of it being presented.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J.

SEPTEMBER 04, 2018/uj