

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9635 of 2020 (O&M)
Date of decision : July 13, 2020

Mrs. Vandana

....Petitioner

versus

The Chairperson, Child Welfare Committee, Faridabad and another
....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Yogeshwar Dayal, Advocate, for the petitioner

Mr. Rajesh Gaur, Addl. AG, Haryana for respondent no.1

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19

This civil writ petition by virtue Article 226 of the Constitution of India has been preferred by the petitioner wife Mrs. Vandana whereby she has sought writ by way of certiorari for quashing of orders dated 12.6.2020 Annexure P/1 passed by respondent no. 1 for production of the child born out of wedlock between the petitioner and respondent No. 2 Mohit Narwal to enable

the child to meet respondent no. 2. It is not in any manner put to question that out of the wedlock between petitioner and respondent no. 2, a daughter named Risha aged around 2½ years was born to the couple and subsequent thereto on account of matrimonial differences the estranged couple started living separate. It is thereafter on the application of respondent no. 2, impugned orders were passed.

During the course of arguments when faced with the scenario arising out of COVID-19 pandemic and that the law provides recourse to each of the parent right to seek under regular civil court by way of Hindu Minority & Guardianship Act, guardianship/visitation rights of the minor child and which legal recourse might be not convenient for the parties on account of inordinate delay that might be occasioned by such an invocation and together with the larger interest of the minor, the counsel for the two sides have agreed before the Court on the following terms and conditions:-

1. The father-Mohit Narwal respondent no. 2 would be allowed to meet the child at the residence of petitioner where the child is living on any non-working day for two hours during the day time once in a month. The mother of the child if feels

convenient may be present during the meeting but would ensure that she does not interrupts interaction of the father with the child and both would try to restrain themselves from entering into any misdemeanor so that the same may not have adverse impact on the upbringing of the child.

2. The father to ensure that he is not accompanied by any other person during the time of meeting and so would be observed by the petitioner mother Mrs. Vandana.

3. The parties would ensure that they observe strict protocol laid for the pandemic COVID-19 so as to ensure safety of the child and both the parents.

The parties shall ensure strict compliance and this order shall continue as long as the parties are not able to secure legal orders from competent court of law under the provisions of law.

The present petition stands disposed of.

July 13, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No