

\$~22

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

%

Judgment delivered on: 21.12.2020

+ CM(M) 641/2020 & CM APPL.33736-37/2020

ABHINAV AGGARWAL

..... Petitioner

versus

AAKRITI KAPOOR

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Sunil Mittal, Senior Advocate with Ms. Seema Seth, Advocate.

For the Respondent:

Ms. Malavika Rajkotia, Ms. Akriti Tyagi and Ms. Ekta Sharma, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 05.12.2020 whereby the Trial Court has directed that during the present pandemic period, physical visitation right would not be feasible and accordingly has directed visitation meeting through video conferencing for 30 minutes on every Saturday.
3. Learned counsel for petitioner submits that even during the pandemic period the child was physically visiting the father/petitioner

Signature Not Verified

Digitally Signed By: KUNAL
MAGGU
Signing Date: 21.12.2020 09:38:01
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

CM(M) 641/2020

Page 1

and since petitioner is a medical doctor appropriate care and precaution is taken to prevent any spread of COVID.

4. Learned counsel for respondent submits that certain issues have arisen on account of which an application has been moved before the Trial Court seeking modification/variation of the consent terms.

5. After some arguments, with the assistance of learned counsel for the parties, a without prejudice arrangement has been agreed to which is subject to further directions/modifications by the Trial Court on the applications/petitions filed by the respective parties.

6. It is agreed between the parties that on every first and fourth Sunday petitioner or his parents shall pick up the child from the house of the respondent at 11 AM and drop the child back by 4 PM.

7. In addition, same arrangement shall be followed on 1st, 2nd and 3rd of January, 2021 i.e. petitioner or his parents shall pick up the child at 11 AM and drop the child back at 4 PM on the same day.

8. The visitation is subject to the condition that petitioner shall have himself and other family members residing in his house, who are likely to come in contact with the child during the visitation, tested for COVID – 19 before each visitation and only in case of a negative report, the physical visitation would be permitted. Petitioner shall hand over a copy of the report to the respondent at the time of picking up the child.

9. This arrangement shall continue till modified/varied by the Trial court. In case the applications filed by the parties is not disposed of by the Trial Court before 9th March, 2021 i.e. the birthday of the child, petitioner/his parents may pick up the child on the said date at 11 AM and drop the child back by 2 PM, the very same day.

10. It is clarified that this arrangement is without prejudice to rights and contentions of the parties and would be subject to modification/variation by the Trial Court on disposal of the applications pending before it. Trial Court would not be bound by the arrangement arrived at in this order.

11. This petition is accordingly disposed of in the above terms.

12. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

DECEMBER 21, 2020

rk