

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214

CR-2552-2020

Decided on : 18.01.2021

Deepa

... Petitioner

Versus

Sanjeev Roy

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.G.S.Punia, Sr.Advocate
with Ms.Harveen Kaur, Advocate, for the petitioner (s).
Mr.Sanjeev Roy, respondent-in-person.
(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioner seeks setting aside of the order dated 05.11.2020 (Annexure P-6) whereby the Guardian Judge, Chandigarh has granted meeting rights with a minor child, namely Utkarsh Roy to the extent that the petitioner shall be entitled to meet the child twice on i.e. first and third Friday from 2 pm to 4 pm in Mediation Centre in the premises of the District Legal Services Authority, Chandigarh and to make a video call daily for 10 minutes. The time of the same was to be mutually decided by the parties.

The parties got married on 10.05.2014 at Chandigarh and from the said wedlock, the said child was born on 28.04.2017. Both husband and wife are Advocates practising in this Court and are residing in the close vicinity of each other in adjoining sectors. On an earlier occasion also, the litigation had come to this Court at the instance of the paternal grandparents as they had not been allowed to be impleaded as respondents in the custody proceedings. The Civil Revision preferred by them bearing CR-1454-2020 was dismissed on 09.09.2020. However, directions were issued to complete the pending proceedings within a period of 3 months from the next date of hearing before the Trial Court and thereafter, the extension order has been passed of another three months.

An effort was made that the parties could settle and resolve the issue by referring the matter to the Mediation & Conciliation Centre of this Court. However, matter could not be resolved and the case has been put up with the negative report received from the Mediator who had made efforts to resolve the issue during the winter vacation also.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214

CR-2552-2020

-2-

Counsel for the petitioner has relied upon judgment passed in CA-2067-2020 titled *Amyra Dwivedi (minor) through her mother, Smt. Pooja Sharma Dwivedi Vs. Abhinav Dwivedi & another*, decided on 06.03.2020, to submit that the meeting with the minor in the office of District Legal Service Authority which had been passed by the High Court at Allahabad had not been appreciated. It is submitted that the venue of meeting which had been fixed by the Guardian Judge also in the Mediation Centre suffers from the same irregularity as it is not a conducive place where the child would feel comfortable. The limitation of visits of only 2 hours and that too twice a month has also been objected to.

Respondent-husband, appearing in person, also defended the said order on the ground that the wife had no contact with the child as she had left the child when he was 13 months old and the child is not comfortable with the mother.

After hearing the parties concerned, this Court is of the view that since the matter is already time-bound by the Co-ordinate Bench of this Court, the visitation rights are only interim in nature as the wife is on the verge of completing her deposition and she has to be cross-examined. Thus, this Court only has to grant the interim custody for the balance period of litigation, the time for which has already been fixed by the Court and which stands extended by another period of 3 months. The Guardian Court will take steps to ensure that the said directions are complied with. Resultantly, the petitioner-wife is granted the visitation rights in the following terms to meet the child:

The petitioner shall be entitled to pick up the child from the residence of the respondent on every Saturday at 10 am and to drop the child back by 5 pm. This order would also ensure that both the mother and the child can interact with each other in the privacy of the house and also that the studies of the child are not disrupted. The mother being an Advocate would also be free on Saturday to take up the child and spend the complete day with the child.

The said exercise would also help the respondent to get some spare time for himself and for the profession as it would be ensured that the child is in safe custody of the mother herself. Since the child is almost 4 years old, it would

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214 **CR-2552-2020**

-3-

not be necessary for him to be attending the schools on Saturdays in case there is any school in the present COVID situation.

This Court is not passing any other further orders for visitation for further days since it is hopeful that the Guardian Court would dispose of the main petition itself by 31.03.2021 as already directed. This Court is also hopeful that both the parties shall be sensitive to the fact that the child should reorient to both the parents and the parents should not make an effort to brainwash the child against each other in any manner as it would not be in the welfare of the child. This Court is sanguine about this fact especially since the parties to the litigation are both practising Advocates and therefore, are more aware about the psychological issues which their child may face if they resort to such steps.

With the above-said observations, the present revision petition is, accordingly, partly allowed.

JANUARY 18, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No