

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR No.203 of 2021 (O&M)
Date of Decision : 31.08.2022**

Manish Kishnani

....Petitioner

VERSUS

Shivangi Kishnani

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Jhanji, Sr. Advocate with
Ms. Eliza Gupta, Advocate for the petitioner.

Mr. Kartar Singh, Advocate for the respondent.

ALKA SARIN, J. (Oral)

The only grievance of the petitioner in the present case is that the petitioner had filed an application seeking interim order *qua* visitation rights during the winter vacations in December, 2020.

Learned counsel for the petitioner would contend that vide the impugned order, the Family Court has travelled beyond the pleadings of the parties and beyond the prayer made by the petitioner. The limited prayer made by learned counsel for the petitioner is that the order granting visitation rights every second Saturday of the month at the residence of the respondent from 05.00 p.m. to 07.00 p.m. may be set aside with liberty to the petitioner to move an application afresh in accordance with the law for grant of interim custody/visitation rights raising all the pleas raised in the present petition.

Learned counsel for the respondent states that he has no objection.

In view of the above, the present petition is allowed and the impugned order passed by the Family Court is set aside to the extent

whereby visitation rights were granted to the petitioner every second Saturday of the month at the residence of the respondent from 05.00 p.m. to 07.00 p.m.. The petitioner shall be at liberty to file an application afresh for grant of interim custody/visitation rights, which shall be dealt with by the Family Court in accordance with the law. The petitioner shall also be at liberty to raise all the pleas raised herein in the said application. In case any application for interim custody/visitation rights is filed by the petitioner, the same be decided expeditiously.

Pending applications, if any, also stand disposed off.

31.08.2022
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO