

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

-:-

**RA-CR-60-2022 in
CR-28-2022
Date of Decision : 22.07.2022**

Charu Gupta

...Petitioner

versus

Mayank Gupta

...Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mayank Gupta, applicant-respondent in person

ALKA SARIN, J. (Oral)

In the present application, review of the order dated 08.07.2022 has been prayed for. The application has been filed by the applicant/respondent in-person averring therein that there is an error apparent on the face of the record and that the respondent never made any such statement in Court and that the respondent had requested for proper visitation rights from the beginning and had also submitted a proposed interim custody plan.

On 04.04.2022, in the presence of the parties and after interacting with them, the following order was passed :

“The parties are present in Court and after interacting with them, the parties were asked to spend some time together during the lunch break. Both the parties as well as learned counsel for the parties are ad idem that there may be chances of an amicable

settlement between the parties. For the welfare of the child, both the parties are willing to give the marriage a second chance. It has mutually been decided that the respondent would visit Ambala every weekend and would spend time not only with the child as directed vide order dated 10.02.2022 but also with the petitioner. The parties are also ad idem that they would be meeting outside the house of the petitioner and would try and to iron out their differences. On every Sunday, as directed vide order dated 10.02.2022, the child would be picked up by the respondent at 09.00 a.m. from his current residence and would be dropped back on the same day on or before 05.00 p.m. The petitioner would ensure that the respondent is able to have a conversation through audio or video with his son at least once a day at 07.30 p.m. Order dated 10.02.2022 stands modified accordingly.

Adjourned to 19.05.2022.”

On 19.05.2022, since the counsel for the petitioner had stated that the child was reluctant to go overnight with the father, the parties were directed to be present in Court on 25.05.2022 and the following order was passed :

“Learned counsel for the petitioner states that it has been noticed in the impugned order that the child

was reluctant to go overnight with the father, the respondent herein.

Learned counsel for the respondent has handed over photographs to this Court, which were taken up on a trip made by the minor child to his paternal house in Yamuna Nagar during the pendency of the present petition.

On a query put by this Court as to whether the parties would like to appear before the Mediation and Conciliation Centre of this Court, Mr. Anil Malhotra, Advocate appearing on behalf of the respondent categorically states that the respondent is not willing to appear before the Mediation and Conciliation Centre.

In view of the above, it will be appropriate for this Court to interact with the minor child before coming to any conclusion.

Let the child along with parents shall remain present in Court on 25.05.2022.”

It has specifically been noted in the said order that the respondent was not willing to appear before the Mediation and Conciliation Centre. Thereafter, the matter was listed on 25.05.2022 and was adjourned to ascertain the dates of the summer vacation of the child.

On 01.06.2022, in the pre-lunch session, this Court appointed Dr. Garima Sharma, Counsellor as Amicus Curiae to interact with the child

and to assess him. On 01.06.2022, in the post-lunch session, after receiving the report of the Counsellor the following order was passed :

“The matter is taken up in the post-lunch session.

A report has been handed over by Dr. Garima Sharma, Counsellor.

Keeping in view the observations and recommendations made by the Counsellor, learned counsel for the respondent states that the respondent-father would like to give the child some time to heal and it would be acceptable to him if the respondent-father is given access to the child through video conferencing on a daily basis between 06.00 p.m. and 07.00 p.m. He, however, states that the interaction between the child and the respondent-father should not be interrupted by the petitioner-mother and the petitioner-mother should be requested to stay out of the room so that the child and the respondent-father are able to have a meaningful conversation and develop a bond.

Learned senior counsel appearing on behalf of the petitioner-mother states that the petitioner-mother would make every endeavour to ensure that the video conferencing calls that the child and the respondent-father have on a daily basis between 06.00 p.m. and 07.00 p.m. are meaningful and uninterrupted.

In view of the statements, the petitioner-mother would ensure and facilitate video calls between the child and the respondent-father on a daily basis between 06.00 p.m. and 07.00 p.m. till the end of the summer vacations of child and, as stated by learned senior counsel, the petitioner-mother shall ensure that the interaction between the child and the respondent-father is meaningful and uninterrupted.

In case the child is pre-occupied on any given date between 06.00 p.m. and 07.00 p.m., the parties would be at liberty to re-work out the time by sending text messages to each other or speaking to each other if they so desire.

The report of the Counsellor has been placed in a close envelope.

List on 08.07.2022.

Meanwhile, the proceedings before the Family Court shall continue.”

A perusal of the order dated 01.06.2022, passed in the post lunch session, would reveal that the said order was passed on the statement of the learned counsel for the respondent who, keeping in view the observation and recommendations made by the Counsellor, stated that the respondent (father) would like to give the child some time to heal. Pursuant to the order dated 01.06.2022, the respondent interacted with the child during the summer break between 06.00 p.m. and 07.00 p.m. and a

statement was made by learned counsel for the respondent which has been noticed in the order dated 08.07.2022 to the effect that the applicant/respondent was able to have meaningful communication with his son through video conferencing as directed, on a daily basis and further that he would be satisfied if the same arrangement as directed vide order dated 01.06.2022 continues. In view of the statements made by the learned counsel, in the presence of the parties, the following order was passed on 08.07.2022 :

“On 01.06.2022 the following order was passed:

“The matter is taken up in the post-lunch session.

A report has been handed over by Dr. Garima Sharma, Counsellor.

Keeping in view the observations and recommendations made by the Counsellor, learned counsel for the respondent states that the respondent-father would like to give the child some time to heal and it would be acceptable to him if the respondent-father is given access to the child through video conferencing on a daily basis between 06.00 p.m. and 07.00 p.m. He, however, states that the interaction between the child and the respondent-father should not be interrupted by the petitioner-mother and the petitioner-mother should be requested to stay out of the

room so that the child and the respondent-father are able to have a meaningful conversation and develop a bond.

Learned senior counsel appearing on behalf of the petitioner-mother states that the petitioner-mother would make every endeavour to ensure that the video conferencing calls that the child and the respondent-father have on a daily basis between 06.00 p.m. and 07.00 p.m. are meaningful and uninterrupted.

In view of the statements, the petitioner-mother would ensure and facilitate video calls between the child and the respondent-father on a daily basis between 06.00 p.m. and 07.00 p.m. till the end of the summer vacations of child and, as stated by learned senior counsel, the petitioner-mother shall ensure that the interaction between the child and the respondent-father is meaningful and uninterrupted.

In case the child is pre-occupied on any given date between 06.00 p.m. and 07.00 p.m., the parties would be at liberty to re-work out the time by sending text messages to each other or speaking to each other if they so desire.

The report of the Counsellor has been placed in a close envelope.

List on 08.07.2022.

Meanwhile, the proceedings before the Family Court shall continue.”

Learned counsel for the respondent states that after the initial hiccups the order was duly complied with and the respondent was able to have a meaningful communication with his son through video conferencing, as directed, on a daily-basis. Learned counsel for the respondent has further contended that he would be satisfied if the same arrangement, as directed vide order dated 01.06.2022, continues. However, the Family Court may be directed to conclude the matter expeditiously. It is further pointed out that the respondent's witnesses have been examined, however, cross-examination of the respondent himself and his father remains to be conducted. The learned counsel for the petitioner states that every endeavour shall be made to cross-examine the respondent and his father on the next date of hearing i.e. 10.08.2022 and further to conclude their own evidence expeditiously.

In view of the above, it is directed that the arrangement, as directed vide order dated 01.06.2022,

shall continue. The petitioner-mother would make every endeavour to ensure video conferencing calls between the respondent-father and the child on a daily-basis between 6.00 p.m. and 7.00 p.m. which are meaningful and uninterrupted. Further, the Family Court is requested to expedite the hearing of the present case and dispose it off as expeditiously as possible, preferably, within a period of six months from the date of passing of this order.

It is made clear that any observation made herein shall have no effect on the merits of the case.

The revision petition is accordingly disposed off.

Pending applications, if any, also stand disposed off.”

Today a specific query was put to the applicant-respondent as to whether the order dated 08.07.2022 was passed in his presence, to which he responded in the affirmative. In fact in the garb of the present application, the respondent is seeking to re-open the case and to re-argue the entire matter. There is no error apparent on the face of the record and on 08.07.2022 the order was passed on the statement made by the counsel for the respondent in Court.

In view of the above, no ground to review the order dated 08.07.2022 is made out. The present application is accordingly dismissed.

July 22, 2022
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(ALKA SARIN)
JUDGE

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