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

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Judgment delivered on : 11.04.2023

+ **MAT.APP.(F.C.) 105/2021**

YUDHVIR CHHIKARA

..... Appellant

versus

PRIYANKA

..... Respondent

Advocates who appeared in this case:

For the Appellant:

Ms. Aishwarya Makhija, Advocate (through VC)
with appellant in person.

For the Respondent:

Ms. Deepika V. Marwaha, Senior Advocate with
Mr. Gaurav Tanwar, Ms. Shreya Jain and Ms.
Raunika Johar, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellant is aggrieved by order dated 30.09.2021 whereby the

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application filed by the appellant under Section 12 of the Guardians and Wards Act, 1890 (hereinafter referred to as the Act) has been deferred to await the outcome of CONT. CAS. (C) No. 2012/2021.

2. Learned counsel for the appellant submits that the contempt petition was filed on the ground that the respondent had committed a breach of the orders granting online visitations to the appellant.

3. Learned Senior Counsel appearing for the respondent submits that she has no objection in case the application is taken up and decided by the family court on merits.

4. In view of the above, the appeal is disposed of directing the family court to consider the application filed by the appellant under Section 12 of the Act in accordance with law.

5. Needless to state that the pendency of the contempt petition which has been initiated by the appellant cannot come in the way of the family court in disposing of the application on merits unless there is a stay of the proceedings by the High Court where the proceedings of contempt are pending.

6. The family court shall consider the application and dispose of the same in accordance with law without being influenced by any interim arrangement that was arrived at in these proceedings.

7. On an application being filed for early hearing, the Family

Court shall sympathetically consider the same and expedite the proceedings.

8. Order dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

VIKAS MAHAJAN, J

APRIL 11, 2023
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