

204.

2023:PHHC:112894

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-2289-2023

Date of decision: 28.08.2023

Saumya Agarwal

.... Petitioner

Versus

Shashank Arya

.... Respondent

**CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Rahul Verma, Advocate, for the petitioner.

Mr. H.S. Randhawa, Advocate, for the respondent.

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**GURBIR SINGH, J. (Oral)**

The prayer in this revision petition filed by the petitioner-wife under Article 227 of the Constitution of India is for setting aside the impugned interim order dated 02.03.2023 (Annexure P-1) passed by learned Executing/Family Court, Gurugram in case No.EXE/214/2021 filed by the respondent-husband, whereby petitioner-wife has been directed to comply the order of visitation rights of minor child with the respondent-husband and respondent-husband has been directed to clear all dues qua minor child.

Brief facts of the case are that petitioner and respondent were married on 07.11.2009 and out of said wedlock, a son, namely, Advaya was born on 19.02.2013. However, due to temperamental differences, a petition under Section 13-B of Hindu Marriage Act, 1955 was filed by way of mutual consent and a decree of divorce was granted vide judgment dated 21.05.2019 on certain conditions which includes that the respondent-husband will have

visitation rights of his son and also to pay school fees and other expenses.

It is contended that respondent is in arrears of Rs.7,94,134/- towards school fees and towards monthly expenses.

Learned counsel for the petitioner contends that the respondent-husband on the one hand has defaulted in honouring his financial liability as agreed between the parties and on the other hand, he is harassing the petitioner-wife for enforcing the visitation rights of the minor child.

Pursuant to notice of motion, Mr. H.S. Randhawa, Advocate, has caused appearance on behalf of respondent in Court today and has filed vakalatnama, which is taken on record.

In compliance of order dated 19.04.2023, both the parties are present in person. After arguing for some time, it is submitted that for the welfare of minor child, at this stage as an interim measure, without any effect on the main order, they have stated as under:-

1. For the visitation rights of respondent-father, he shall meet his son alternatively on Sunday from 10:00 AM to 5:00 PM w.e.f. coming Sunday i.e. 03.09.2023.
2. Petitioner is resident of Greater Noida and respondent is resident of Gurugram. On first Sunday, petitioner shall drop child at the residence of respondent at Gurugram and then in the evening, she would pick up the child. The next time, the respondent shall pick up the child from the house of petitioner at Greater Noida and in the evening, he shall drop the child at her residence. This arrangement shall continue till further order.

3. Respondent has agreed to clear all the dues including school fee of minor child and monthly expenses. Respondent has agreed to pay a sum of Rs.75,000/- per month including monthly expenses and part of pending arrears till all arrears are cleared and said amount shall be deposited in the bank account of petitioner-wife by 10<sup>th</sup> of every calendar month.
4. Respondent shall pay the school fee/charges of the minor child on production of receipts.
5. In case of default, the other party can get this order modified.
6. This petition be disposed of accordingly.

In view of the statement of parties, this revision petition is disposed of. Parties shall be bound by their statements. In case of default or any party wants to get modification of this order, said party can move the concerned Family Court/Executing Court.

**(GURBIR SINGH)**  
**JUDGE**

**August 28, 2023**  
sanjeev

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |