

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-7144-CII of 2023 in/and
FAO No. 2170 of 2022 (O&M)
Date of Decision: 02.05.2023

Gaurav

.....Appellant

Versus

Jyoti

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Arjun Shukla, Advocate
for the applicant-appellant.

Ms. Prerna Malhotra, Advocate (Legal Aid Counsel)
for the non-applicant-respondent.

LISA GILL, J(Oral).

1. This appeal has been filed by the appellant-husband, challenging judgment and decree dated 21.04.2022, passed by the learned Family Court, Yamuna Nagar at Jagadhri, wherein while allowing the petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'Act') filed by the appellant and respondent, directed that visitation rights of the respondent-wife would remain intact to meet the minor child.

2. It is submitted that despite efforts, differences between the parties could not be reconciled, due to which petition under Section 13-B of the Act was filed by the parties. All disputes between them were decided and it was also agreed that custody of the minor child, who at that time was residing with the respondent-wife, would be handed over to present appellant at the time of recording of statement of parties at second motion. It was further agreed that respondent-wife would not claim custody of the minor child in future from the appellant. Petition under Section 13-B of the Act was allowed on 21.04.2022 by the learned Family Court, Yamuna Nagar

at Jagadhri. However, *de hors* and in contravention of the specific agreement between the parties, learned Family Court, directed that visitation rights of the respondent-wife would remain intact to meet the minor child, even though she did not wish for the same.

3. Learned counsel for the non-applicant-respondent on 15.02.2023, on instructions from the respondent submitted that respondent indeed did not claim any visitation rights. It was directed that affidavit of the respondent/her Special Power of Attorney be filed in this regard.

4. Affidavit dated 22.03.2023, of the Special Power of Attorney Holder of the respondent i.e., Mr. Satish Kumar Juneja, who is also father of the respondent has been filed, wherein it is specifically stated that respondent reiterates her stand in compromise dated 29.01.2020 as well as her statements made before the learned Family Court, in the proceedings under Section 13-B of the Act. It is affirmed that she does not seek custody of the minor child and neither claims any visitation rights qua the minor child. It is stated that respondent-wife has no objection, in case, the appeal is allowed to the extent as prayed for.

5. Learned counsel for the respondent-wife verifies the position as above.

6. At request and with consent of learned counsel for the parties, CM-7144-CII of 2023 is allowed and hearing of this appeal is preponed from 06.07.2023 for today itself.

7. Keeping in view the factual position as above and categorical stand of the respondent, direction in the impugned judgment dated 21.04.2022, passed by the learned Family Court, Yamuna Nagar at Jagadhri, to the effect that visitation rights of the respondent would remain intact qua

the minor child, is directed to be deleted. Parties shall remain bound by their statements before the learned Family Court, Yamuna Nagar, at Jagadhri.

8. Appeal is accordingly disposed of with the aforesaid modification in judgment and decree dated 21.04.2022, passed by the learned Family Court, Yamuna Nagar at Jagadhri. Pending application/s, if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

May 02, 2023.
s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.