



\$~15

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

% *Date of decision: 09th August, 2023*

+ **MAT.APP.(F.C.) 253/2019 & CM APPLs. 43802/2019, 15437/2021**

HARSHA BAWA

..... Appellant

Through: Ms. Perna Mehta, Advocate
with appellant in person.

versus

DEEPINDER SINGH BAWA

..... Respondent

Through: Mr. Piyush Chhabra, Advocate
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. *Vide* the present Appeal, the appellant seeks following relief: -

“Set aside the Order dated 26.08.2019 passed by the Family Court Judge, Dwarka Courts New Delhi in Guardianship Petition No. 09/19”.

2. This Court *vide* Order dated 30.09.2019 stayed the Order dated 26.08.2019 passed by the learned Principal Judge, Family Court, Dwarka, subject to the condition that the respondent/father shall have access to the 2 years and 9 months old son of the parties, who was in custody of the appellant/wife, on ever second and fourth Saturday of the month from 12:00 P.M. till 02:00 P.M. in the Family Court, Dwarka Court Complex, Delhi till further orders.

3. Thereafter, this Court *vide* Order dated 28.02.2020 modified the Order dated 30.09.2019 to the extent that on every second Saturday of the month,



the respondent/husband shall be entitled to meet the child along with the appellant/wife at Vegas Mall, Dwarka between 12 Noon to 2 P.M. However, the appellant/wife was directed to maintain a reasonable distance from the child to enable the respondent/husband to freely interact with him.

4. Due to COVID-19, the physical visitations got disrupted due, though *vide* Order dated 11.01.2021, the father was permitted to interact through video conferencing.

5. Thereafter, the respondent/husband moved an Application bearing No. CM APPL. 31862/2021 seeking resumption of the visitation rights which were granted to him *vide* Order dated 15.04.2021, whereby this Court had directed that the minor son of the parties would be picked up by the respondent/husband on every second and fourth Saturday of the month between 11:30 A.M. and 03:30 P.M. and *vide* Order dated 23.09.2021, the said application for restoration of visitation rights of the respondent/husband was disposed of.

6. It is pertinent to note that the meeting time fixed by this Court *vide* Order dated 15.04.2021 was from 11:30 A.M. to 03:30 P.M. Accordingly, considering that the minor son of the parties is now 6 years and 5 months old, who after taking his lunch, would certainly like to have a sound sleep, we hereby modify the Order dated 15.04.2021 to the extent that the meeting time with the child by the respondent/husband shall be from 10:00 A.M. to 07:00 P.M. and remaining conditions imposed *vide* Order dated 15.04.2021 will remain the same.

7. It is made clear that the respondent/husband shall pick up the child from the residence of the appellant at 10:00 A.M. and drop the child at the residence of the appellant at 07:00 P.M. In case, the child is unable to go on



any Saturday, the child shall be sent on the coming Saturday.

8. Accordingly, in view of above, the present Appeal is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 09, 2023
S.Sharma