

2024:PHHC:013722

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

CR-1935-2023 (O&M)
Date of decision: 31.01.2024

Onkar Singh @ Onkar Singh Yadav

....Petitioner

Versus

Shipra Onkar Yadav

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Saurabh Kapoor, Advocate and
Ms. Ojaswani Gagneja, Advocate for the petitioner
Mr. Vipul Sharma, Advocate for
Mr. Kunal Dawar, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

In this revision petition, the correctness of an interlocutory order passed by the Family Court is challenged. The dispute between the parties is with respect to visitation rights/interim custody of two minor children. On 19.12.2023, the following interim order was passed:-

“CM-20267-CII-2023

Disposed of as infructuous

Main case

Counsel appearing on behalf of the petitioner submits that draft of consent terms for interim custody, interim rights and interim visitation rights of the parties has been prepared and copy of the same has been supplied to the respondent and as per these terms, the petitioner has agreed to pay an amount of Rs.37 lakh in total to the respondent to clear school expenditure of both the minor children till June, 2024/till end of current academic year and the petitioner will further clear other ancillary expenses of both the minor children payable till March, 2024. The aforesaid amount of Rs.37 lakh is to be paid in 7 equal instalments starting from month of December, 2023 and fully payable by the month of June, 2024. The respondent who has appeared through video

conferencing and is otherwise represented by her counsel, has not disputed the aforesaid terms and conditions and further made request that the first instalment be paid to her at the earliest and not later than 22.12.2023. The respondent has also agreed to send her elder child Manvendra Singh Yadav and younger child M Raghavendra Singh Yadav (subject to his willingness) with their father (petitioner) during the winter vacations from the evening of 21.12.2023 till noon of 30.12.2023 and is having no objection if the petitioner takes both the children with him to Pune where he is residing with his parents. The respondent further informed the Court that she has already sent scanned signed copy of the aforesaid draft as she is agreeing to all its terms and conditions except for Clause K which should be subject to willingness of the children.

In view of above, both minor children (subject to their willingness) are allowed to stay with the petitioner at Pune with effect from the evening of 21.12.2023 to 30.12.2023 (till noon) and the petitioner should make payment of first instalment of the agreed amount by 22.12.2023. The terms and conditions mentioned in the draft agreement will be subject to final order passed by this Court in the present petition.

Now be listed on 16.1.2024”

The learned counsel representing the parties have filed the agreed terms for interim custody/interim rights and interim visitation rights of the parties, which is taken on record as mark ‘C’.

The learned counsel representing the parties pray for disposal of the revision petition in terms of mark ‘C’.

Ordered accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

31.01.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE