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

% *Date of Decision: 29.04.2024*

+ **MAT.APP.(F.C.) 102/2023 & CM APPL. 48816/2023**

MS VAISHALI JAGGI Appellant

Through: Mr Sahil Sharma and Ms Mamta Saini, Advs. along with the appellant [Ms Vaishali Jaggi].

versus

MR DEEPAK WASSON Respondent

Through: Mr R D Singh, Mr Vaibhav and Mr Sarthak, Advs along with respondent [Deepak Wasson].

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J.: [ORAL]

1. This appeal is directed against the judgment and decree dated 13.04.2023 passed by the Family Court-02, East District, Karkardooma Courts, Delhi.
2. The record shows that during the pendency of the proceedings, the coordinate Bench had put in place an agreed interim arrangement for access to the child by the respondent [Deepak Wasson] *via* order dated 27.04.2023. The relevant parts, captured in paragraph 4 of the order dated 27.04.2023, are reproduced hereafter:



“4. For the present, Parties have agreed to amicably resolve the dispute with regard to the custody and visitation rights of the minor child name Divik Wasson (Date of Birth: 01.11.2018) as under:

“(i) Appellant agrees that he has no objection to the respondent-mother travelling to Singapore along with the minor child for the purposes of her employment.

(ii) The Appellant-husband/father would be entitled access to the child whenever he visits Singapore during the time that she is residing in Singapore.

(iii) Both parties agree that when he is in Singapore, he shall have access to the child over the weekends for as long as the child is comfortable with him. Initially endeavour shall be made to give access to the child progressively starting from two hours on a day till for as long as the child is comfortable.

(iv) Parties shall also explore the possibility of granting overnight access to the appellant father this is of course, subject to the comfort of the child.

(v) Respondent undertakes that when the appellant is in Singapore and has access to the child, she shall not terminate the meeting and permit the appellant an unhindered access in her presence for as long as the appellant wants and the child is comfortable. Similar courtesy shall be shown at the time of visitations in India.

(vi) Respondent-mother shall travel to India with the child at least once in every four months and when she is in India she shall grant access to the appellant-husband over the weekend. Once again the access shall be progressively increased from two hours to even overnight. This of course is subject to the comfort of the child.

(vii) Respondent on reaching Singapore, shall duly communicate her residential address in Singapore to the appellant. She shall also inform the address of the school of the child to the appellant.

(viii) On change of her residence or the respondent shall duly intimate the appellant about the change of address and residence. It is agreed that irrespective of the change of the residence or country, appellant shall be entitled to same



visitation rights as agreed to herein.

(ix) In case of extension of the period of stay, respondent shall duly intimate the appellant in advance about the same.

(x) Respondent shall share regular educational progress of the child with the appellant from time to time.

(xi) During the weekends when the appellant is not able to travel to Singapore or the respondent is not able to travel to India, respondent shall ensure that the appellant has access to the child for at least half an hour either on Saturday or Sunday, subject to the convenience of the parties as well as comfort of the child, through a video call.

(xii) Appellant shall give advance intimation to the respondent of at least one week of the dates of his travel to Singapore and vice-versa when respondent is travelling to India, she shall give at least one week advance intimation to the appellant of the dates when she is going to be available in India.

(xiii) When respondent is visiting India, appellant would be permitted to even take the child home, however, at that time, to ensure the comfort of the child, respondent or a member of her family would also be permitted to be present.

(xiv) It is agreed between the parties all visitations shall be subject to the comfort of the child so that the child is not inconvenience or traumatised for any reason.

(xv) Since respondent is proposing to travel to Singapore on 28.04.2023 in the evening, respondent shall take the child to Shipra Mall, Indirapuram, Ghaziabad at 12:00 noon on 28.04.2023 and the appellant and his parents would be permitted to meet and spends time with the child for about two hours.

(xvi) Appellant herein grants no objection for grant of Visa to the child master Divik Wasson for travel and stay as aforesaid to Singapore. Appellant further undertakes that in case of any requirement, he shall appear before the High Commission of the Republic of Singapore for facilitating the grant of Visa.

(xvii) Respondent also undertakes that in case appellant applies for Visa to travel to Singapore to meet the child, she shall provide all assistance as may be required for processing of the Visa.



(xviii) Parties undertake to abide by the terms and conditions agreed to.”

[Emphasis is ours]

3. Mr Sahil Sharma, who appears on behalf of the appellant/mother [Vaishali Jaggi], says that the appeal can be disposed of, in terms of the arrangement as recorded in order dated 27.04.2023, with a slight modification *qua* Clause (vi) captured in paragraph 4 of the said order.

3.1 In other words, the submission is that the appellant/mother [i.e., Vaishali Jaggi] should be asked to travel to India once a year and that while she is in India, she will provide to the respondent/father [Deepak Wasson] access to the child for one week. The only caveat that the appellant/mother [Vaishali Jaggi] seeks to put in place is the comfort of the child while staying in the company of the respondent/father [Deepak Wasson].

3.2 To effectuate the aforementioned modification, the appellant/mother [Vaishali Jaggi] will give 20 days prior notice to the respondent/father [Deepak Wasson] before visiting India.

4. Mr R D Singh, who appears on behalf of the respondent/father [Deepak Wasson], says that such modification can be ordered.

5. It is ordered accordingly.

6. Furthermore, Mr Singh assures the court that the respondent/father [Deepak Wasson] will give his “no objection” for renewal of the child’s passport.

6.1 This aspect of the matter has been flagged before us by the appellant/mother [Vaishali Jaggi], who is present in court as it is her contention that because “no objection” was not given, she could obtain renewal of the child’s passport only for two (02) years instead of five (05)



years.

6.2 Since Mr Singh has undertaken in the presence of respondent/father [Deepak Wasson] that “no objection” would be granted, we expect no further impediment being created in that behalf.

6.3 The respondent/father [Deepak Wasson] will file an affidavit in that regard, explicitly undertaking that he will grant “no objection” to the renewal of child’s passport. The affidavit will be filed within ten (10) days from today.

7. The appeal is, thus, disposed of in terms of the agreed conditions contained in the order dated 27.04.2023 with a modification concerning paragraph 4(vi), as noted in paragraphs 3.1 and 3.2 above.

8. All pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

APRIL 29, 2024/pmc