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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 143/2024 & CM APPL. 24565/2024, CM APPL. 24567/2024**

LALIT KUMAR Appellant
Through: Mr Manish Sindwani, Advocate.
versus

PALLAVI SEHGAL Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **29.04.2024**

[Physical Hearing/Hybrid Hearing (as per request)]
CM APPL. 24566/2024

1. Allowed, subject to just exceptions.

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2. This appeal is directed against the judgment and order dated 16.03.2024 rendered by the Family Court, South-East District, Dwarka Courts, New Delhi.

3. The appellant is aggrieved by the fact that the Family Court has issued a direction that the child would not be taken out of the National Capital Territory of Delhi [in short, "NCT of Delhi"] without the permission of the Court.

4. The next date fixed in the matter by the Family Court is 01.05.2024.

5. A perusal of the impugned judgment indicates that on 16.03.2024, the matter could not proceed further as in the first half the respondent was unavailable and in the post-lunch session, the counsel for the petitioner was

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occupied.

6. We may note that the learned Family Court Judge has also taken cognizance of the submission made on behalf of the respondent that the visitation rights given to her *vis-a-viz* the child were not complied with in December, 2023.

6.1 To be noted, the record discloses that *via* order dated 25.03.2022, the respondent has been granted visitation rights on every first and third Saturday of the month.

7. Thus, taking a holistic view of the matter, we are not inclined to interfere with the impugned judgment and order.

8. The appellant can always move the Family Court for variation of the order. The impugned direction makes it clear that if the appellant wishes to take the child out of NCT of Delhi, he could do so after taking permission of the Court.

8.1 We may note that contrary to the submission made before us, there is no blanket ban imposed by the Court in taking the child out of NCT of Delhi; the only requirement is to seek the Court's permission.

9. The appeal is, accordingly, disposed of.

10. Pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

APRIL 29, 2024/rt

Click here to check corrigendum, if any

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