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

+ MAT.APP.(F.C.) 150/2019, CM APPL. 24673/2019 –Stay.

CM APPL. 45367/2024 –For Visitation rights by Petr.

CHETAN MAFATLAL BAFNAAppellant

Through: Mr. Abhishek Singh, Ms Alisha Sharma, Mr. J. Amal Anand, Mr. Elvin Joshy and Mr. Shashwat Tyagi, Advs.

versus

POOJA MITTAL BAFNARespondent

Through: Mr. Rajshekhar Rao, Sr. Adv. with Mr. Ravi Kapoor, Mr. Krishna Multani and Ms Aditi Singhal, Advs.

+ MAT.APP.(F.C.) 241/2019, CM APPL. 41409/2019 –Stay.

CM APPL. 41411/2019 –Delay 96 days (RF).

POOJA MITTAL BAFNAAppellant

Through: Mr. Rajshekhar Rao, Sr. Adv. with Mr. Ravi Kapoor, Mr. Krishna Multani and Ms Aditi Singhal, Advs.

versus

CHETAN MAFATLAL BAFNARespondent

Through: Mr. Abhishek Singh, Ms Alisha Sharma, Mr. J. Amal Anand, Mr. Elvin Joshy and Mr. Shashwat Tyagi, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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30.09.2024

1. These two appeals both filed under Section 19 of the Family Courts



Act, 1984 one by the father and the other by the mother of the minor child seek to assail the order dated 09.04.2019 passed by the learned Family Court (West), Tis Hazari Court, Delhi in Guardianship Petition (GP) No. 1076/2018. Vide the impugned order which was passed five and a half years ago, the learned Family Court had, after observing that since the child was very young, declined to grant unsupervised visitation rights to the father.

2. Since the impugned order was not stayed by this Court, both sides have been complying with the terms of the impugned order during the pendency of the present appeals. It is, however, the common case of the parties that the Guardianship Petition filed by the father is still pending adjudication before the learned Family Court and is now at the stage of recording of his evidence.
3. In the light of these changed circumstances when the minor child is almost eight years old, we are of the considered view that, it would not be appropriate to interfere with the impugned order at this stage when the matter is already being considered by the learned Family Court.
4. At this stage, Mr Abhishek Singh, learned counsel for the father submits that at least CM APPL. 45367/2024 filed by the father, wherein he has prayed that unsupervised visitation rights be granted to him for the period between 29.11.2024 to 05.12.2024 to enable the minor child to attend the family wedding in Mumbai, be taken up for consideration by this Court. We are, however, of the view that instead of this Court considering this prayer of the father, who is the appellant in MAT Appeal (F.C) 150/2019, it would be appropriate to grant him



the liberty to move such an application before the Family Court.

5. We accordingly dispose of the appeal alongwith the pending applications with liberty to the father to move a fresh application before the learned Family Court, seeking same relief as was sought by him in CM APPL. 45367/2024. Taking into account the urgency expressed in the application, we request the learned Family Court to decide any such application as may be filed by the father on or before 15.11.2024.
6. It is, however, made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties.

REKHA PALLI, J

SAURABH BANERJEE, J

SEPTEMBER 30, 2024
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