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

% ***Date of decision: 17th September, 2024***

+ **CM(M) 1096/2023 & CM APPL. 48610/2024**

ANAMIKA SARKAR

.....Petitioner

Through: Ms. Niharika Ahluwalia and Ms.
Sonakshi Chaturvedi, Advocates
along with Petitioner-in-person.

versus

SURENDER KUMAR

.....Respondent

Through: Mr. Amit Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner has filed a Guardianship petition before the learned Trial Court and when she sought visitation rights, her application was disposed of vide order dated 11th April, 2023.

2. The relevant extract of the said order is as under :-

“32. Accordingly, I am of the opinion that the ends of justice would be met by granting visitation to the petitioner to meet the child once in a week i.e. on every Saturday from 2.00 PM to 4.00 PM in the adjoining children room. Whenever any Saturday happens to be a holiday, the visitation would be affected on the last working day prior to the said Saturday. Further more, in case, due to any exigency, any party is not able to come for affecting the visitation, the requisite information shall be given to the opposite party and in that eventuality the visitation shall take place on the next working day, at the same time.

Besides the physical meeting, the petitioner is granted the right to speak and interact with the child, through a video call, thrice a week, on every Sunday, Tuesday and Thursday, for 30 minutes from 5.30 PM to 6 PM, on the mobile phone of the respondent. For compliance of the order, both the parties shall furnish their phone numbers to each other, under intimation to the court, within two days.

Nothing mentioned herein above shall tantamount to an expression of opinion on the merits of the case.

Application accordingly stands disposed off.”

3. During course of the arguments, learned counsel for the petitioner



states that petitioner, would, at the moment, be satisfied in case the physical visitation is extended from “once a week” to “twice a week”.

4. Mr. Amit Sharma, learned counsel for the respondent has joined the proceedings through Video Conferencing and the respondent is also present in Court.

5. This Court has asked the respondent as well as Mr. Sharma about the enhancement in the physical visitation and they have very fairly stated that they would have no objection if the physical visitation also takes place every Wednesday in the similar manner, at the same place and for the same duration.

6. Therefore, with the consent of the parties, present petition is disposed of with the direction that the physical visitation shall happen twice a week i.e. every Wednesday and every Saturday from 2:00 p.m. to 4:00 p.m. at the same place i.e. children room situated at Rohini Court Complex.

7. There would be, however, no change with respect to the manner and duration of the video call which is happening thrice a week i.e. Sunday, Tuesday and Thursday from 5:30 p.m. to 6:00 p.m.

8. Since on account of holidays in relation to Durga Pooja, the petitioner who hails from Kolkata, has to go back to Kolkata, such order would come into effect from 1st October, 2024.

9. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 17, 2024/ss