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

% *Date of decision: 16.07.2024*

+ **MAT.APP.(F.C.) 220/2024**

HARISH JINDAL

.....Appellant

Through: Mr Alok Kumar, Sr. Advocate with
Mr Amit K. Singh, Mr Varun
Maheshwari, Mr Manan Soni and Mr
Sachin Kumar, Advocates.

versus

GARIMA JINDAL

.....Respondent

Through: Ms Swaty Singh Malik with Mr
Rohan Kumar and Ms Divisha,
Advocates along with respondent in
person.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

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

RAJIV SHAKDHER, J.: (ORAL)

CM APPL. 39572/2024

1. Allowed, subject to just exceptions.

MAT.APP.(F.C.) 220/2024 and CM APPL. 39571/2024 *[Application
filed on behalf of the appellant seeking direction]*

2. Issue notice.

2.1 Ms Swaty Singh Malik, learned counsel, accepts notice on behalf of
the respondent/mother.



3. With the consent of the learned counsel for the parties, the appeal is taken up for hearing and final disposal, at this stage itself.

4. This appeal is directed against the judgment and order dated 03.06.2024 passed by Mr Harish Kumar, learned Family Court Judge, Patiala House Courts, New Delhi in an application preferred by the appellant/father under Section 12 of the Guardians and Wards, 1890 [in short, "Act"].

4.1 The operative directions issued are contained in paragraphs twelve (12) and thirteen (13) of the impugned judgment and order. For convenience, the same are extracted hereafter:

"12. Hence, at this stage physically meeting of the son with the petitioner will not be good for the child, however, he may meet the child virtually i.e. by way of letter, email or Whatsapp chat expressing his love and affection thereby trying to win him back or alternatively allow some more time to pass.

13. With aforesaid observation, direction and with liberty to the petitioner to re-agitate for interim custody/visitation, the application of the petitioner u/s 12 of the G & W Act stands disposed of accordingly."

5. Mr Alok Kumar, learned senior counsel, who appears on behalf of the appellant/father says that, for the moment, the appellant/father will be satisfied if the order is varied to the extent that the appellant/father has an opportunity to interact with the child (who is about 14 years old) via a video call made through WhatsApp.

6. Ms Malik, on instructions of the respondent/mother, says that the respondent/mother will facilitate the meeting through a video call via WhatsApp.

7. Accordingly, the appeal is disposed of with a direction that paragraph



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twelve (12) of the impugned judgment and order will stand varied to the extent that the appellant/father would have liberty to interact with the child every Sunday, between 12.00 Noon and 12.30 P.M., through a video call *via* WhatsApp.

7.1 This direction will operate from 21.07.2024.

8. Other parts of the impugned judgment and order will remain unaltered.

9. Pending applications shall also stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 16, 2024 /tr

Signature Not Verified

Digitally Signed By: PREM
MOHAN CHOUDHARY

Signing Date: 19/07/2024
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