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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3605/2024 & CM APPL. 60208/2024 & CM APPL. 60209/2024**

POOJA BHASKAR

.....Petitioner

Through: Mr. Piyush Pahuja with Mr. Upender Kumar, Advocates.

versus

NARAYAN SINGH AND ORS

.....Respondents

Through: Mr. Ishwar Singh, Advocate.
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

14.10.2024

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1. Petitioner has filed a guardianship petition (GP No.40/2020) seeking herself to be appointed as guardian of her two children.
2. Her husband Vikas is in judicial custody and besides him, his other relatives are respondents in the above said guardianship petition.
3. During the pendency of the above said petition, an application was moved from the side of such relatives of her husband seeking visitation right to meet both the children on the festival of Durga Ashtami and Dussehra.
4. Vide order dated 08.10.2024, learned Trial Court permitted such visitation on 10.10.2024 i.e. on the festival of Durga Ashtami from 9 am to 7 pm.
5. Such order is under challenge.
6. Obviously, the above said order has now become infructuous.
7. However, the contention of the petitioner is two-fold.



8. Firstly, the above said order could not be complied with for the reason that it was a working day for the school in question and both the children of the petitioner had attended the school on 10.10.2024. It is apprehended that if the contempt petition is filed, the learned Judge, Family Court may not appreciate said aspect in the desired manner. Secondly, it is agitated that the visitation rights have been given to grandfather and paternal uncle of the children which was not permissible.

9. Sh. Ishwar Singh, learned counsel for the respondents has joined the proceedings through the video conferencing and states that if the visitation is provided to some other alternative day, as per the instructions, the respondents herein would not file any contempt for the violation/disobedience of above said order dated 08.10.2024.

10. Petitioner is present in Court.

11. After hearing both the sides and with the consent of both the sides, it is ordered that in order to make up the above said visitation which could not happen on 10.10.2024, the applicants before the learned Trial Court would be permitted to pick up both the children from their house on 27.10.2024 (Sunday) at 10 am and would drop them back at their residence by 7 pm positively.

12. The petition stands disposed of in the above said terms.

13. Copy of the order be given Dasti under the signatures of the Court Master.

MANOJ JAIN, J

OCTOBER 14, 2024/st