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

+ **MAT.APP.(F.C.) 402/2024, CM APPL. 71092/2024-Exp, CM APPL. 71093/2024-Delay 60-62 days.**

SIMRAN PAL SINGH DUA

.....Appellant

Through: **Mr. Prateek goswami and Mr. Varun Mittal, Advs**

versus

HARDEEP KAUR DUA

.....Respondent

Through: **Counsel (appearance not given)**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

05.12.2024

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1. The present appeal under Section 19 of the Family Court Act, 1984 seeks to assail the order dated 03.09.2024 passed by the learned Family Court, West District, Tis Hazari Court, New Delhi in GP No. 93/2023. Vide the impugned order the learned Family Court has, after taking into account the mutual agreement between the parties, directed that the respondent/petitioner therein will meet the children on the 3rd Sunday of every month between 11:00 A.M. to 01:00 P.M. from September 2024 onwards at Select City Mall, Saket, New Delhi.

2. The present appeal has been filed seeking enhancement of these visitation rights granted to the appellant. At the outset, we have put to learned counsel for the appellant as to how the appeal would be



maintainable when the impugned order is a consent order. He submits that the appellant had never given his consent and therefore, the impugned order wrongly records that the order was being passed on the basis of the mutual agreement between the parties. The same is not believable since the appellant has taken no steps qua it before the learned Trial Court.

3. In the end, after some arguments and in the light of the above position emerging from the records, learned counsel for the appellant seeks leave to withdraw the present appeal with liberty to approach the learned Family Court by way of a review/ application to seek modification of the aforesaid findings.

4. The appeal, alongwith the pending applications, is accordingly, dismissed as withdrawn with liberty as prayed for.

5. We, however, make it clear that we have not expressed any opinion on the submission of the appellant.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 5, 2024/Ab