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

+ CM(M) 4047/2024

VIMLENDU KUMAR JHA

.....Petitioner

Through: Petitioner in person.

versus

MINAL BHATNAGAR

.....Respondent

Through: Ms. Malavika Rajkotia, Adv.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

24.12.2024

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1. Petitioner has filed the present petition for setting aside the order dated 03.12.2024, passed by the learned Judge-02, Family Courts, District-South, Saket New Delhi in HMA No. 493/2024.
2. Petitioner filed an application before the Family Courts seeking extended visitation rights to meet his daughter, Gayatri on 02.12.2024, 03.12.2024 and 04.12.2024 for participating in the wedding celebrations and for interaction with the parents of the petitioner for at least 5 hours on each day, in addition to the visitation rights already granted by the Court. Petitioner also sought unsupervised visitation rights on 25.12.2024 for Christmas, on 24.12.2024 for petitioner's 45th birthday celebrations and on 01.01.2025 for New Year celebrations for at least 5 hours on each day. He also prayed for grant of visitation rights during the winter vacation for at least 7 days, thereby permitting him to pick the child and drop her back at home of the respondent after 7 days.



3. After considering the submissions of both sides, the learned Family Court granted visitation rights in the Children Room, Saket Court Complex on 07.12.2024 between 02:00 PM to 04:00 PM. The Court permitted the petitioner to make a video call to the respondent on 24.12.2024 after prefixing the time for the same by way of whatsapp message or email.

4. Petitioner submits that Family Court granted reliefs that were already granted by the petitioner vide order dated 02.05.2024, which were continued vide order dated 03.06.2024, inasmuch as the visitation was already granted on first and third Saturday of every month in the Children Room, Saket Court Complex. He further submits that the Family Court has merely restated its orders dated 02.05.2024 and 03.06.2024 and is silent on other reliefs sought by the petitioner, such as getting the child to meet her grandparents and grant of unsupervised visitation on Christmas, New Year and winter vacation.

5. Learned counsel representing the respondent has vehemently opposed the petition arguing that there are serious allegations of domestic violence against the petitioner. She further submits that respondent is a wedding planner and is presently at Jaipur, Rajasthan alongwith her three year old daughter, Gayatri and shall return back on 02.01.2025, and therefore, grant of physical meeting or even unsupervised visitation, is not possible during this period.

6. Some of the reliefs sought by the petitioner viz visitation rights on 02.12.2024, 03.12.2024 and 04.12.2024 have become infructuous because of passage of time. Since the child is in her mother's custody, who is at present at Jaipur, physical meeting with the child during 24.12.2024 to 02.01.2025 may also not be possible. It may not be in the best interest of minor child



that respondent be asked to bring her to Delhi during this period. Family Court has already permitted the petitioner to make a video call to the respondent today after pre-fixing the time in order to enable him to interact with the child through video call.

7. Since the child is in Jaipur, physical meeting is not possible, and therefore, while disposing of the petition, it is directed that the petitioner be allowed to make a video call on the whatsapp number of the respondent everyday between 04:00 PM to 05:00 PM to enable him to interact with his daughter through whatsapp video call. Respondent shall not refuse to permit such meeting through video call. It is clarified that petitioner would be at liberty to file fresh application for physical meeting or for claiming any other custodial right before the Family Court after 02.01.2025, once the child returns back to Delhi.

8. The petition is accordingly disposed of in terms of the aforesaid observations.

RAVINDER DUDEJA, J

DECEMBER 24, 2024/vp