



2025:DHC:1730-DB



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

Date of decision: 17.03.2025

+ MAT.APP.(F.C.) 104/2025, CM APPL. 15215/2025

NISHTHA JAIN

.....Appellant

Through: Mr. Sunil Mittal, Sr. Adv. with
Ms. Seema Setu, Mr. Satish
Panchal and Ms. Muskaan
Deswal, Advs.

versus

ARPIT GOYAL & ORS.

.....Respondents

Through: Mr. Fanish K. Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed by the appellant, challenging the Order dated 07.03.2025 passed by the learned Judge Family Court, North District, Rohini Court, Delhi (hereinafter referred to as the 'learned Family Court') in G.P No. 71/2024 titled *Arpit Goyal & Ors. v. Nishtha Jain, inter alia*, directing that the respondent would be allowed to meet the child on 09.03.2025 and also on the occasion of the Holi festival on 13.03.2025.

2. Though we had pointed out to the learned senior counsel for the appellant that the dates for which the meeting was allowed between



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the respondent (father) and the child have already passed and, therefore, the appeal has been rendered infructuous, the learned senior counsel for the appellant insisted on making submissions on the merits of the Impugned Order.

3. He further submits that by a subsequent Order dated 11.03.2025, the Learned Family Court postponed the visitation scheduled for 13.03.2025 to a date after the child has recovered from an injury that she has suffered. The learned senior counsel for the appellant submits that the learned Family Court has passed the Order dated 11.03.2025 in spite of it being pointed out that the child had suffered a severe burn injury. He has produced before us a photograph of the injury.

4. He submits that the learned Family Court failed to appreciate that the child is only three years old and cannot be made to travel or be with the respondent against her wishes. He submits that the respondent is only trying to pressurize the appellant by seeking the visitation rights. Furthermore, he submits that the very maintainability of the petition pending before the learned Family Court is in question.

5. We have considered the submissions made by the learned senior counsel for the appellant, however, find no force in the same.

6. As stated by the learned senior counsel for the appellant, the child is only three years old. In the appeal, it is mentioned that the parties separated sometime around 01.04.2024. The child should not be deprived of the love and affection of her father, that is, the respondent. The impugned orders are only small steps taken by the learned Family Court in that direction. We have also perused the



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photograph of the injury, however, we are of the opinion that for the same the child cannot be denied the love and affection of the respondent. We have no reason to doubt that the respondent would keep the injury into consideration while exercising his visitation rights over the child.

7. We would appreciate it if the appellant complied with these orders instead of creating hurdles and challenging the same on frivolous grounds.

8. Accordingly, we find no merit in the present appeal. The same alongwith pending application is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MARCH 17, 2025/Pr/DG

Click here to check corrigendum, if any