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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAT.APP.(F.C.) 190/2024, CM APPL. 41554/20242024-Payment of pending school fee arrears., CM APPL. 63359/2024-By respondent to set-aside/modify the consent order dt. 24.07.2024

NITEEN YEOLA

.....Appellant

Through: Ms.Swaty Singh Malik, Mr. Rohan Kumar, Advs. alongwith appellant in person

versus

VARTIKA KATIYAR

.....Respondent

Through: Ms. Sumitra Choudhary, Mr. M.K. Ratghav Raman, Ms. Nitya Sharma, Ms. Bhagyashree, and Ms. Jasmine Sheikh, Advs. alongwith respondent through V.C.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

10.02.2025

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1. The present appeal under Section 19(1) of the Family Courts Act, 1984 read with Section 28 of Hindu Marriage Act, 1955 seeks to assail the order dated 06.05.2024 passed by the learned Family Court, Patiala House Court, New Delhi disposing of the application preferred by the appellant/ father under Section 26 of HMA, seeking custody and visitation rights of the minor child who is presently residing with the respondent/ mother.
2. Vide the impugned order, learned Family Court has while declining any physical visitation rights to the appellant, permitted the appellant to interact with the child through video conferencing on every second and fourth Saturday of the month. Though the appeal preferred by the appellant is vehemently opposed by the learned counsel for the respondent who



submits that the appellant has been using unparliamentary language with the child and has also been showing him his own photographs with one of his female friends while interacting in one of the said video conferencing and, therefore, no physical visitation rights shall be granted to the appellant.

3. At the outset, we note that pursuant to the earlier order dated 10.12.2024, the Ministry of External Affairs, in a sealed cover has forwarded a copy of the pay-slip of the appellant for the months of December 2024 and January 2025, from which it appears that the appellant has been drawing a huge amount towards Foreign Allowances and has, therefore, while being posted at Embassy of India, Thimphu, Bhutan been receiving much higher amount than his basic pay. The said salary slips have been perused and are taken on record.

4. Now coming to the facts presently involved, we have put to learned counsel for the respondent as to whether the respondent is willing to consent limited physical interaction with the child once a month. She, upon instructions from the respondent who appears through video conferencing, submits that it would instead be more appropriate for the appellant to himself go to Bengaluru once a month for physical interaction with the child at the Children's Room, learned Family Court, Bengaluru, Karnataka between 01:00 PM to 03:00 PM. The said suggestion, is as per instructions received from the appellant personally present in Court, is acceptable to him.

5. We accordingly, dispose of the present appeal by directing the respondent to bring the child at the Children's Room, learned Family Court, Bengaluru, Karnataka between 01:00 PM to 03:00 PM, for interacting with the appellant, when a child psychologist is also to be present alongwith the appellant and the minor child in the said Children's Room and observe from a distance.



6. Let a copy of the present order be sent to the learned Family Court, Bengaluru, Karnataka. Needless to say, both the parties are directed to behave in a cordial manner with each other as also with the minor child during these interactions and the respondent will stay outside of the Children's Room during the said interaction.

7. At this stage, learned counsel for the parties submit that since both parties are willing to part ways amicably, therefore, the matter may also be referred to the Delhi High Court Mediation and Conciliation Centre (DHCMCC) so that they can explore the possibility of arriving at some amicable resolution.

8. At this request of the parties, though the appeal is being disposed of, the parties are referred to the DHCMCC on 18.02.2025, when the parties alongwith their authorized representatives are requested to join physically or through video conferencing. However, in case, the parties are not able to arrive at an amicable settlement before the mediation centre, the matter need not be listed any further before the Court.

9. However, taking into account that the scope of the present appeal was confined to the visitation rights which the appellant is seeking, we are refraining from passing any orders in respect of the maintenance, we however, make it clear that it will be open for the respondent to avail of appropriate remedies to seek maintenance.

REKHA PALLI, J

SAURABH BANERJEE, J

FEBRUARY 10, 2025/So