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

+ MAT.APP.(F.C.) 205/2022, CM APPL. 54709/2022-To direct respondent to handover interim custody/visitation of the minor children, CM APPL. 54710/2022-Dir, CM APPL. 7783/2024-For modification of order dt. 19.12.23.

KAMAL KUMAR

.....Appellant

Through: Mr. Ankur Mahindro, Mr. Rajesh Bansal, Mr. Ankush Satija and Mr. Raghav Kalra, Advs.

versus

DEVIKA GURJAR CHAUDHARY

.....Respondent

Through: Mr. S.P. Mehta, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

28.01.2025

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1. The present appeal under Section 19 of the Family Courts Act, 1984 filed by the appellant/ father seeks to assail the order dated 09.12.2024 passed by the learned Principal Judge, Family Court, South District, Saket Courts ('learned Family Court') in G.P. No. 46/2019, whereby various applications preferred by him, including an application seeking interim custody of the two minor children involved, who are presently residing with the respondent/ mother, have been disposed of.

2. We find that during the period of over two years for which the present appeal has remained pending before this Court, much water has flown and recording of evidence before the learned Family Court is already underway.



3. In these circumstances, we have put to learned counsel for the parties as to why the present appeal should be kept pending any further, and also as to why the parties should not be directed to approach the learned Family Court for any interim order(s), if required.
4. Both sides submit that, taking into account that the matter is already at an advance stage before the learned Family Court, they have no objection to this Court making some interim arrangements for the appellant to meet the two minor children, and then disposing of the present appeal.
5. In the light of this stand taken by the parties, the appeal is disposed of by directing that the appellant, along with two of his family members, will be permitted to meet the two minor children at the Ambience Mall, Vasant Kunj, Delhi-110070 on every alternate Sunday between 3:00 PM to 6:00 PM. It is made clear that on each of those visits, it will be the responsibility of the respondent to hand over the custody of the two minor children to the appellant at 3:00 PM in the aforesaid Mall and it will be the responsibility of the appellant to hand over the custody of the said two minor children back to the respondent by 6:00 PM in the aforesaid Mall. The appellant is also directed not to take either of the two minor children outside the premises of the aforesaid Mall. We, further, make it clear that though the respondent is permitted to stay in the aforesaid Mall during the above visitation period with the appellant, she will remain at some distance from the appellant and the two minor children so that they can try to build a bond with each other.
6. For the purpose of finalising the place of meeting in the Ambience Mall, Vasant Kunj, Delhi-110070, we expect the parties to communicate with each other through mobile phones at least one day in advance.
7. While disposing of the appeal in the aforesaid terms, we make it clear



that the above directions will only be an interim arrangement, and will be without prejudice to the rights and contentions of the parties before the learned Family Court, and will only govern the parties till a final order is passed by the learned Family Court, whereafter, they will be bound by any order(s), as may be passed by the learned Family Court, *albiet*, subject to any remedy of appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 28, 2025

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