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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 3rd April, 2025**

+ CM(M) 3931/2024
ASHISH BATHLA

.....Petitioner

Through: Ms. Meenakshi Jain and Mr. Gautam
Kapur, Advocates.

versus

SHIKHA BATHLA

.....Respondent

Through: Ms. Supriya Manan, Advocate along
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. A very short point is involved in the present petition.
2. The petitioner has filed a *Guardianship Petition* under *Guardian and Wards Act, 1890* seeking his appointment as guardian of his minor son, who is, presently, around eight years old.
3. The birthday of his such son falls on 26.11.2024 and in order to celebrate his birthday, he moved an application before the learned Trial Court and wanted the birthday to be celebrated either on 01.12.2024 or on 02.12.2024.
4. Since, the next visitation was scheduled for 08.12.2024, the learned Judge, Family Court, instead of granting a separate visitation for the purposes of celebration of such birthday, directed that the visitation scheduled for 08.12.2024 be suitably extended and, therefore, the visitation hours which were otherwise from 3:30 P.M. to 6:00 P.M were extended from 3:30 P.M to 8:00 P.M.
5. Such order is under challenge.
6. Learned counsel for petitioner, in all fairness, submits that the purpose



of the visitation has become frustrated as the petitioner wanted to celebrate birthday immediately after 26.11.2024 and the learned Judge, Family Court has rather clubbed his existing visitation with the '*special visitation*' which is the petitioner was seeking for birthday-celebration.

7. Unfortunately, nothing could be done as when the matter was taken up on 28.11.2024, no order could be passed and quite apparently, the purpose and intent with which the present petition has been filed, seems to have lost.

8. Learned counsel for petitioner submits that, without prejudice to her rights and contentions, she would not press the present petition but her such statement should not be taken as an adverse circumstance against her, while considering the request of the father for future visitations.

9. The petition is, accordingly, disposed of in aforesaid terms with the observation that such order shall not been taken as an adverse circumstance against the petitioner while considering any future request for visitation.

10. The petition stands disposed of in aforesaid terms.

11. Before parting, it also needs to be clarified that since the *Guardianship Petition* is pending consideration for quite some time, the learned Trial Court shall make best endeavour to dispose of such petition as expeditiously as possible and would not give any unnecessary adjournment to any of the parties.

(MANOJ JAIN)
JUDGE

APRIL 3, 2025/ss/shs