



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

% Date of decision: December 12, 2023

(18) + MAT.APP.(F.C.) 335/2023, CM APPLs. 58409/2023 & 58410/2023

[REDACTED]

..... Appellant

Through: Ms. Runjhun Garg, Mr. Himanshu Vats, Mr. Abhinav Aggarwal and Mr. Krishnagopal Abhay, Advs.

versus

[REDACTED]

..... Respondent

Through: Mrs. Kajal Chandra, Ms. Shambhavi and Ms. Sakshi Anand, Advs. with respondent in person.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. This appeal has been filed by the appellant challenging the order dated October 7, 2023 passed by the learned Family Court-02, South East, Saket, New Delhi whereby the learned Family Court on an application filed by the appellant herein under Section 151 CPC has granted the visitation rights to the appellant in the following manner:

“12. In view of the tender age of both the minor children, in my considered opinion, it would not be appropriate to allow overnight access of both the minor children to the petitioner, however, as agreed to by the respondent, time of visitation is increased by one hour so as to be between 11:00 A.M. to 01:00 P.M. on every third Saturday in the Children Room, Family court, Saket in presence of the counsellor and the respondent.

13. The petitioner is also allowed to meet with both the minor children for the said duration on 12th April (children's



birthday), 18th July (grandmother's birthday), on 17th October (grandparents' anniversary), 01st November (father's birthday), 12th November (grandfather's birthday) and 14th November (children's day). If any of afore-mentioned days happens to be a holiday, the petitioner may meet with the children on the scheduled third Saturday of the month.”

2. The plea of the learned counsel appearing for the appellant is that the learned Family Court has not considered the other reliefs sought for by the appellant in the application and confined the relief of visitation that too for two hours between 11 AM to 1 PM on every third Saturday in the Children Room, Family Court, Saket. It is her submission the said duration which has been fixed does not entail a purposeful visitation for the appellant herein. She submits that the visitation must be allowed for Sunday as well, and for sufficient duration. That apart, she submits that visitation must also be allowed on other days like on children's birthday, grandmother's birthday, grandparents' anniversary, etc.

3. On the other hand, Ms. Kajal Chandra, learned counsel appearing for the respondent would contest the appeal by stating that whatever relief has been granted by the Family Court is sufficient as the children are of tender age i.e., 4½ years and increase in the duration of visitation shall not be in the interest of the children.

4. Having heard the learned counsel for the parties and also considering the age of the children and the fact that limited duration has been granted by the Family Court, we are of the view, the visitation right of the appellant herein for visiting the children should be extended by one hour i.e., from 11 AM to 2 PM on 3rd Saturday in the Children



Room, Family Court, Saket in the presence of the counsellor and the respondent.

5. Suffice to state that grandparents of the children shall also avail the visitation right for 1½ hours i.e., between 11 AM to 12.30 PM on the day of visitation.

6. The counsellor attached to the Children Room shall file a report in respect of the visitation undertaken by the appellant in terms of this order.

7. We close the appeal on above terms. Liberty is granted to the appellant to file an appropriate application before the Family Court-02 in case he seeks to increase in the duration of the visitation time. The same shall be decided by the Family Court in accordance with law.

8. We note that a plea of visitation to be undertaken even on Sundays is taken by the counsel for the appellant. It is a matter of record that District Courts are closed on Sundays and Second Saturday and as such no order for visitation can be passed on those days. Surely, if the children's room remain open, a party to a litigation can, have the benefit of visitation on these days as well. We are of the view, the children room in every District must be kept open on Sundays and second Saturdays also between 10 AM to 5 PM, so that any Court passing an order of visitation can also direct the visitation to be effected in Children Room, Family Court, District Court on every second Saturday and Sunday as well. Necessary directions be issued by the Registrar General of this Court to the District Judge / Principal Judge, Family Courts of every District in



that regard.

CM APPLs. 58409/2023 & 58410/2023

Dismissed as infructuous.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

DECEMBER 12, 2023/jg