

CNR No. MHTH010079622025

Mr. Harjot Singh Gambhir



Versus

Mrs. Jasleen Kaur

**Order below Exh.8-A in Civil M.A. No. 503/2025**

(On Interim Application for Access/Visitation)

1. The Petitioner/Applicant, Mr. Harjot Singh Gambhir, has filed the present Petition No. D/8/2025 under Section 25 of the Guardians and Wards Act, 1890, read with Section 7(1)(g) of the Family Courts Act, 1984, seeking custody/guardianship of the minor child, namely, **Teghnoor Singh Gambhir**, aged approximately 3 years. Along with the main Petition, the Petitioner has filed the present Civil Misc. Application No. 503/2025, seeking interim access/visitation rights and temporary custody of the minor child, pending the hearing and final disposal of the main Petition.

2. The Respondent, Mrs. Jasleen Kaur, who is the mother and presently the custodial parent of the minor child, has filed her Reply (Exh. 09, dated 07.04.2026) opposing the grant of access/visitation to the Petitioner. The respondent has also filed a Pursis dated 05.05.2026, bringing on record subsequent events and change in circumstances, and has sought that no access be granted to the Petitioner. The Petitioner has filed a Pursis in Reply

dated 05.05.2026, denying the allegations made by the Respondent and seeking continued access.

3. **Case of the Petitioner:** The Petitioner contends that he is the biological father of the minor child and has a natural and legal right to meet, interact with, and have access to his child. He submits that the parties have been living separately since June 2024, and that the Respondent has been denying him access to the child. He states that he has not met or seen his son since June 2025, and is unaware of his well-being. The Petitioner further submits that the Respondent is assuming authority to unilaterally dictate access to the child, Teghnoor Singh Gambhir, as per her whims and fancies, and that the minor child has a fundamental right to the love and affection of both parents. The Petitioner has prayed for regular access and temporary custody of the minor child pending hearing of the main Petition.

4. **Case of the Respondent:** The Respondent denies the Petitioner's claim for permanent custody and contends that the minor child, being of tender age (approximately 2.5+ years at the time of filing the Reply), has always been in her care, custody, and supervision as the primary caregiver. She submits that she was compelled to leave the matrimonial home in June 2024 due to acts

of physical violence and cruelty by the Petitioner, and that the travel arrangements for her departure were made by the Petitioner's own family. The Respondent raises serious concerns regarding the Petitioner's conduct, including allegations of aggression, threats of kidnapping the minor child (leading to filing of NC dated 07.05.2025 and Police complaint dated 25.11.2025), psychiatric treatment, irrational behaviour during video calls, and using visitation to target and manipulate the Respondent rather than bonding with the child. The Respondent does not deny reasonable access but submits that if any access is granted, it must be strictly supervised and regulated, keeping the paramount welfare of the minor child in consideration. The Respondent, in her alternative prayer, has sought that access be restricted to short-duration, supervised visitation within Court premises or a Court-appointed visitation centre. The Respondent has further prayed for rejection of overnight, extended, and vacation access.

5.           **Subsequent Events:** The Respondent, by way of Pursis dated 05.05.2026, has brought on record that the Petitioner, along with his mother, approached the Respondent's residential building on 02.05.2026 without prior permission, causing apprehension. She has further referred to an incident dated 04.05.2026 relating to the handover of a car (Ford Endeavour) pursuant to a Joint

Pursis in PWDVA No. 379/2025, alleging that a person deputed by the Respondent was forcibly taken inside the Petitioner's residence and assaulted. The Respondent has stated that due to these circumstances, she is denying any access to the Petitioner. The Petitioner, in his Pursis in Reply, has denied these allegations, stating that he visited the Respondent's building only to deliver gifts for the child pursuant to the Court's order dated 27.04.2026, and that the incident relating to the car handover was caused by the Respondent sending an unidentified person (Santosh Kumar Hingal) who created a disturbance. The Petitioner has annexed an Undertaking of the designated driver, Ram Prakash Kamat, and a Written Apology of Santosh Kumar Hingal in support.

6. **Analysis and Reasoning:** I have heard the learned counsel for both parties and have perused the application, the Reply, the Pursis filed by both sides, and the documents placed on record.

7. The paramount consideration in matters concerning the custody and access of a minor child is the welfare and best interest of the child. It is a well-settled principle of law, reiterated by the Hon'ble Supreme Court in a catena of decisions, that a child has a right to the love, affection, and companionship of both

parents, and that the right of access of a non-custodial parent is not merely the right of the parent but equally the right of the child. Deprivation of the child from the company of either parent is not conducive to the healthy emotional and psychological development of the child.

8. The *Hon'ble Supreme Court in Yashita Sahu vs. State of Rajasthan & Ors. (2020) 3 SCC 67* has held that in a custody battle, it is the interest and welfare of the child which is paramount and supreme. Similarly, in *Nil Ratan Kundu & Anr. vs. Abhijit Kundu (2008) 9 SCC 413*, the *Hon'ble Supreme Court* observed that the right of access of the non-custodial parent is intrinsically linked to the welfare of the child, as regular interaction with both parents is essential for the balanced development of the child.

9. In the present case, it is an admitted position that the Petitioner is the biological father of the minor child, Teghnoor Singh Gambhir. The parties have been living separately since June 2024. The minor child has been in the continuous custody of the Respondent/mother. It is also admitted by the Respondent that she has facilitated video call access to the Petitioner on prior occasions. The Respondent, in her own Reply, does not deny reasonable

access; rather, her objection is to unsupervised, extended, and unrestricted access.

10. The allegations and counter-allegations made by both parties regarding domestic violence, threats, police complaints, and recent incidents are matters that require detailed adjudication in the main proceedings and cannot be conclusively determined at this interlocutory stage. However, what is clear and undeniable is that the minor child has been deprived of physical interaction with his father for a considerable period of time, and such continued deprivation is not in the best interest of the child. The tender age of the child is not, by itself, a ground to deny access to the father altogether, although it is certainly a relevant consideration in determining the nature, duration, and conditions of such access.

11. Considering the totality of the circumstances, the competing contentions of both parties, the tender age of the minor child, the allegations of aggression and threats raised by the Respondent, and the undeniable right of the father to have access to his child, this Court is of the considered view that a balanced approach is warranted at this stage. While the Petitioner's right to access cannot be denied, the concerns raised by the Respondent regarding the safety and emotional well-being of the child also

merit consideration. Therefore, it would be just, proper, and in the paramount interest of the welfare of the minor child to grant supervised visitation to the Petitioner at the Court premises/visitation centre, with appropriate safeguards.

### **ORDER**

1. In view of the above discussion and in the paramount interest of the welfare of the minor child, the interim application (Civil M.A. No. 503/2025) is **partly allowed**, and the following directions are issued:

(a) **Supervised Physical Visitation:** The Petitioner/father, Mr. Harjot Singh Gambhir, shall be granted supervised visitation with the minor child, Teghnoor Singh Gambhir, **twice a month, on the 1st and 3rd Sunday of every month**, at the Family Court premises. The Petitioner shall not remove the child from the designated venue during the visitation.

(b) **Duration and Timing:** Each visitation session shall be for a duration of **two (2) hours**, from **11:00 AM to 1:00 PM**, or at such other time as may be mutually agreed upon by the parties, failing which the aforesaid timing shall prevail.

(c) **Video Call Access:** In addition to physical visitation, the Respondent shall facilitate video call access between the

Petitioner and the minor child **three (3) times per week** (on Monday, Wednesday, and Saturday), for a duration of **fifteen (15) minutes**, at a time between **6:00 PM to 7:00 PM**, as may be mutually convenient, keeping in mind the child's routine, nap times, and well-being. The Petitioner shall confine the video call interaction to the child and shall not use such calls to address, target, or make personal remarks towards the Respondent.

(e) **No Overnight/Extended/Vacation Access:** Considering the tender age of the minor child (approximately 3 years) and the surrounding circumstances, the prayer for overnight access, extended access, and/or vacation access is rejected at this stage. The same may be reconsidered at an appropriate stage as the proceedings progress and the child grows older.

(f) **Conduct of Parties:** Both parties are directed to maintain cordial behaviour during the handover and visitation of the child and shall not indulge in any altercation, argument, or confrontation in the presence of the child. The Petitioner is directed not to visit the Respondent's residence without prior permission of the Court or the Respondent. The Respondent is directed to comply

with this order and facilitate the visitation as directed herein.

(g) **Gifts and Communication:** The Petitioner shall be at liberty to carry age-appropriate gifts, toys, and eatables for the minor child during the visitation sessions. Any exchange of gifts shall take place only at the designated visitation venue.

(h) **Travel Restriction:** Neither party shall take the minor child out of the jurisdiction of this Court without prior permission of this Court.

(i) **Review:** The above arrangement shall remain in force until further orders of this Court. Either party shall be at liberty to seek modification of this order in the event of any material change in circumstances.

2. It is made clear that this order is passed at the interlocutory stage, purely in the interest of the welfare of the minor child, and without expressing any final opinion on the merits of the main Petition. The observations herein shall not be construed as findings on the disputed facts, which are to be adjudicated during the hearing of the main Petition.

3. Both parties are directed to cooperate and ensure

compliance with this order. Non-compliance by either party shall be viewed seriously by this Court.

4. The interim application stands disposed of in the above terms.

( Pronounced in open court.)

Thane.  
Date :- 06/05/2026.

(V. L. Bhosale)  
Additional Sessions Judge,  
Thane.