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

+ **MAT.APP.(F.C.) 225/2024**

NITIN SAWHNEY

.....Appellant

Through: Mr Sparsh Chaudhary with Mr Sunny
and Ms Jyoti, Advocates along with
appellant in person.

versus

PINKY BHALLA

.....Respondent

Through: None.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

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19.07.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 40129/2024

1. Allowed, subject to just exceptions.

**MAT.APP.(F.C.) 225/2024 and CM APPL. 40130/2024 [Application filed
on behalf of the appellant seeking condonation of delay of 18 days in
filing the appeal]**

2. This appeal is directed against the judgment and order dated
17.05.2024 passed by the learned Judge, Family Court, North-West, Rohini,
Delhi.

3. Via the impugned judgment and order, the Family Court has
dismissed the application preferred by the appellant/father under Section 12
of the Guardians and Wards Act, 1890 [in short, "Act"] for visitation rights

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qua the child born from wedlock with the respondent/mother.

4. The appellant/father is aggrieved by the fact that even the limited relief of visitation sought *qua* the child has been denied by the Family Court.

5. The record shows that the couple entered into matrimony on 12.02.2011. The record also discloses that from the wedlock the couple had a male-child, who was born on 28.02.2012.

6. Concededly, the couple agreed to mutually dissolve the marriage by taking recourse to the provisions of Section 13B of the Hindu Marriage Act, 1955 [in short, “HMA”]. The marriage was dissolved *via* order dated 31.08.2018.

6.1 It is not disputed by the appellant/father that as per the terms of the settlement, custody of the child was to remain with the respondent/mother.

7. The appellant/father seems to have woken up after being separated from the respondent/mother and the child for, almost, six (6) years, to seek visitation rights.

8. We are unable to fathom the motivation for this move at this juncture.

8.1 Therefore, for the moment, for the limited purpose of interacting with the child we are inclined to issue notice.

9. Accordingly, issue notice to the respondent/mother *via* all modes, including e-mail.

10. List the matter on 13.08.2024, in chamber, at 04.15 P.M.

11. The respondent/mother, along with the child, will remain physically present on the next date of hearing.



12. The appellant/father will also remain physically present on the next date of hearing.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 19, 2024 / tr

[Click here to check corrigendum, if any](#)

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