



2026:UHC:4433

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528 No.1200 of 2026 <u>Hon'ble Alok Mahra, J.</u> Mr. M.S. Tyagi, Senior Advocate, assisted by Mr. Kailash Chandra, Advocate for the applicant. Mrs. Pushpa Bhatt, Additional Advocate General and Mr. Prabhat Kandpal, A.G.A. for the State of Uttarakhand. 2. This Criminal Miscellaneous Application has been preferred by the applicant seeking a direction to the learned Sessions Judge, Dehradun to expeditiously decide Criminal Appeal No. 335 of 2025, preferably within a period of 15 days, and also to adjudicate the application dated 16.05.2026 moved by the applicant in the said appeal seeking visitation rights in respect of his minor daughter. 3. Learned Senior Advocate appearing for the applicant submits that respondent no.2 instituted proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking various reliefs under Sections 17, 18, 19, 20, 21, 22 and 23 of the aforesaid Act. It is submitted that the learned Judicial Magistrate IIIrd, Dehradun, vide order dated 15.10.2025, passed an ex-parte interim order under Section 23 of the Act and directed that the custody of the minor daughter be handed over to respondent no.2. Aggrieved by the said order, the applicant preferred Criminal Appeal No. 335 of 2025 before the learned Sessions



			Judge, Dehradun. 4. Learned Senior Advocate further submits that the Appellate Court, upon consideration of the matter, vide order dated 15.05.2026 stayed the effect and operation of the order dated 15.10.2025 passed by learned Magistrate. It is contended that thereafter the applicant moved an application dated 16.05.2026 before the Appellate Court seeking visitation rights to meet his minor daughter. However, despite the lapse of considerable time, the said application has not yet been taken up for consideration. It is further submitted that the applicant is the natural father of the child and continued deprivation of access to his daughter is causing serious emotional and psychological hardship not only to the applicant but may also adversely affect the welfare and development of the child. Learned Senior Advocate contends that issues relating to custody and visitation are inherently sensitive and require prompt adjudication, as delay in deciding such matters may defeat the very purpose of the relief sought. It is also argued that the pending appeal pertains to rights arising out of an interim order affecting the custody of a minor child and, therefore, deserves expeditious consideration. 5. Heard learned counsel for the parties and perused the material available on record. Having regard to the nature of the controversy involved, particularly the fact that the application dated 16.05.2026 concerns visitation rights of the applicant in respect of his minor daughter, this Court is of the considered view that such matters
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		require urgent consideration. Questions relating to custody and visitation directly concern the welfare of the child and prolonged pendency of such applications may result in avoidable prejudice to the rights and interests of the parties, especially the minor child. Since the application seeking visitation rights is stated to be pending consideration before the appellate court, the ends of justice would be served by directing its expeditious disposal. Further, the appeal itself arises from an interim order passed under the provisions of the Protection of Women from Domestic Violence Act, 2005 and involves issues requiring timely adjudication. Therefore, it would be appropriate to request the Appellate Court to conclude the proceedings as expeditiously as possible. 6. Accordingly, the present Criminal Miscellaneous Application is disposed of with a direction to learned Sessions Judge, Dehradun to consider and decide the application dated 16.05.2026, whereby visitation rights have been sought by the applicant to meet his minor daughter, as expeditiously as possible, preferably within a period of three weeks' from the date of production of a certified copy of this order. Learned Sessions Judge shall also make all endeavours to hear and decide Criminal Appeal No. 335 of 2025 at the earliest, preferably within a period of six weeks' from the date of production of a certified copy of this order, strictly in accordance with law. (Alok Mahra, J.) 03.06.2026 Arpan
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