



2025:DHC:7036-DB



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

Date of decision: 13.08.2025

+ **MAT.APP.(F.C.) 255/2024**

[REDACTED]

.....Appellant

Through: Ms. Malavika Rajkotia, Mr.
Mayank Grover and Ms. Sara
Singh, Advocates with
Appellant in person.

versus

[REDACTED]

.....Respondent

Through: Mr. Prashant Mehndiratta, Adv.
with Respondent in-person.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)

ANIL KSHETARPAL, J.

CM APP. 49890/2025/For suspension of visitation arrangements]

1. The present application has been filed by the Appellant (the father of the 02 children) under Section 151 of the Code of Civil Procedure, 1908, seeking suspension of visitation arrangements prescribed *vide* Order dated 12.09.2024.

2. The learned Family Court *vide* Order dated 07.08.2024 granted custody of the children to their Mother/Respondent herein, while granting visitation rights to the Father/Appellant. Against the said Order, the Appellant preferred the present Appeal, which is pending



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adjudication before this Court.

3. The present Appeal came up for hearing for the first time on 12.08.2024 and the following order was passed:

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5. This appeal is preferred against the judgment and order dated 07.08.2024 passed by Ms Shunali Gupta, learned Judge-02, Family Courts, District South, Saket Courts, New Delhi.

6. *Via* the impugned judgment and order, the Family Court has issued the following operative directions which are contained in paragraph fifteen (15) of the impugned judgment and order.

6.1 For convenience, the directions are extracted hereafter:

“15. Thus, exercising the parens patriae jurisdiction and considering the over all facts and circumstances, the following order is passed:-

(i) The interim custody of both the children is granted to the mother. The father shall drop both the children to her house at Ansal Villa, Satbari, Chhattarpur, New Delhi (where the mother and grandparents of the children are residing) latest by 7. 00 PM on 09.08.2024.

(ii) The father is granted visitation with both the children from 3.00 to 4.00 PM on every First and Third Saturday at Children's Room, Saket Courts, New Delhi.

(iii) The father is also granted overnight visitation of both the children on Second and Forth [sic...fourth] Saturday of the month. The mother shall drop the children to the house of the father by 7.00 PM on second and forth [sic...fourth] Saturday and the father shall drop back both the children to house of the mother latest by 7.00 PM on the following Sunday.

(iv) The interim order dated 20.01.2024 restraining the mother from meeting the children at their school as well as at their home stands vacated.”

7. Both counsel are agreeable to the bench interacting with the children.

7.1 We are told, from the wedlock the couple have two children; a girl aged 14 years, and a boy, who is aged about 8 years.

8. Mr Parag Tripathi, learned senior counsel, who appears on behalf of the appellant/father, on instructions, states that the appellant/father would have no objection if the respondent/mother, in the interregnum, interacts with the children.

9. Accordingly, issue notice.



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9.1. Mr Prashant Mendiratta, learned counsel, who appears on behalf of the respondent/mother, accepts notice.

10. The appellant/father will bring the children to the Court for interaction with the bench on the next date of hearing.

11. The matter will be listed 'in chamber' at 04:15 PM, on 12.09.2024.

12. The appellant/father will also present the children at the Delhi High Court Mediation and Conciliation Centre [in short, "Centre"], to enable the respondent/mother to interact with them.

13. The children will be presented on 17.08.2024, 31.08.2024 and 07.09.2024, from 11:00 AM to 01:00 PM.

14. It is made clear that while the respondent/mother is interacting with the children, the appellant/father will keep away.

15. The Centre will ensure that a room is provided to enable interaction between the children and the respondent/mother.

16. Meanwhile, the Registry will summon the record made available to the Family Court and place it before us, *albeit*, in digitized form."

4. Thereafter, on 12.09.2024, the following order was passed:

"1. Pursuant to the last order i.e., 12.08.2024, we have interacted with the parties and the children in Chamber.

2. From the wedlock, parties have two (2) children, i.e., a girl who is aged about 14 years and a boy aged about 8 years.

3. Presently, the appellant/father is in physical custody of the children. However, *via* the impugned judgment, the Family Court Judge directed that the interim custody of the children should be with the respondent/mother.

4. On the previous date, we had directed that the appellant/father would present the children for interaction at the Delhi High Court Mediation and Conciliation Centre [in short "Centre"] so that the respondent/mother could interact with them.

4.1 We are told that interactions did take place at the Centre on 17.08.2024, 31.08.2024, and 07.09.2024, between 11:00 A.M. and 01:00 P.M.

5. Having heard counsel, parties, and the children, we are, presently, of the view that a calibrated approach may help in improving the relationship between the children and the respondent/mother.

6. To that end, the following directions are issued:

(i) The appellant/father will bring the children to the farmhouse located at Ansal Villa, Satbari, Chhattarpur, New Delhi [Ansal Villa],



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every Friday, *albeit* after school, at 05:00 P.M. This direction is issued as, admittedly, the respondent/mother and her in-laws reside at Ansal Villa.

(ii) The appellant/father will be at liberty to take the children away on Sunday, at 05:00 P.M. to the place where he is presently residing, i.e., 14-A, Tower 24, Belgravia, Central Park-2, Sector - 48, Gurugram.

(iii) In case the respondent/mother wishes to take the children for an outing, while they are at Ansal Villa, the appellant/father will not cause any impediment.

7. This arrangement will kick in from 13.09.2024, at 05:00 P.M.

8. List the matter on 23.10.2024.

9. Parties will act based on the digitally signed copy of the order.”

5. In between, as many as four applications have been filed by the parties with respect to visitation rights. The daughter of the parties has voluntarily started residing along with her mother/Respondent in the matrimonial home. However, the younger son, aged about 09 years, is residing with the Appellant/Father in Gurugram.

6. On 05.08.2025, this Court interacted with both the children individually and jointly. The daughter, who appears to be quite intelligent, wishes to continue residing with her mother in the matrimonial home. The son is very young and of an impressionable age, and during the interaction, he expressed reluctance to interact with his elder sister and mother.

7. Within one week of the said interaction, the present application for suspension of visitation rights has been filed by the Appellant. An interaction of the son with his mother and sister is crucial for developing a bond between them. It would not be appropriate to make any other observations, particularly when the Appeal is coming up for hearing on 28.10.2025. This Court is of the considered view that suspending the interim visitation arrangement may not be in the best



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interests and welfare of the daughter and son.

8. In view of the aforesaid, the interim arrangement, which has continued to operate for nearly a year now, is directed to continue till the next date of hearing.

9. Accordingly, the application is disposed of with the afore-going directions.

10. It is clarified that the averments made in the application are not substantiated. In essence, the Appellant's claim is that after interacting with his sister and mother, the son gets emotionally upset and is not comfortable. In the opinion of this Court, the bond between the siblings is required to be strengthened with continuous interaction, particularly when their parents are residing separately on account of marital discord. This Court cannot overlook the fact that the learned Family Court has found that the mother is entitled to custody of both the children, and it is only because of the interim Order passed, the son continues to stay with the Appellant.

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11. List on 28.10.2025, the date already fixed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 13, 2025/sg/er