

MCC No. 21 of 2012
CLMA No. 297 of 2012
In
WPMS No. 1594 of 2011

Hon'ble Tarun Agarwala, J.

Mr. Amit Kapri, Advocate for the petitioner.

Mr. Z.U. Siddiqui, Advocate for the respondent.

Counter affidavit filed today is taken on record.

Heard learned counsel for the parties. Upon hearing Shri Z.U. Siddiqui, the learned counsel for the respondent, the order dated 23rd December, 2011 is recalled. The recall application No. 21 of 2012 is allowed.

By the impugned order dated 20th June, 2011, the Family Court, Nainital gave visiting rights to the petitioner to meet her daughter once a month. The petitioner, being aggrieved by the said order, filed the present writ petition contending that he should be permitted to meet her daughter more than once a month since the petitioner, the opposite party and the daughter who is living with the opposite party, are residing in the same town. The opposite party filed the counter affidavit today which is taken on record. In paragraph 14 of the counter affidavit, the respondents has stated that the daughter is presently studying in Shiv Jyoti

Convent School, Kota and, consequently, no longer is staying at Haldwani. The learned counsel for the petitioner states that he would be happy if visiting rights are modified from once a month to once a week. The learned counsel for the opposite party has no objection to that and contended that the petitioner should also bear the expenses of the daughter. This court at the present moment is only confining the controversy to the visiting rights. The Court has been informed that the maintenance application of the respondents is pending before the Family Court. Without expressing any opinion on that aspect, this Court disposes of the writ petition modifying the order of the Family Court dated 20th June, 2011 to the extent that it would be open to the petitioner to meet her daughter once a week.

(Tarun Agarwala, J.)

Dated 29.02.2012

Shiv