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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 353/2020**

ROHIT PATHAK

..... Petitioner

Through: Ms.Sudershani Ray, Adv.
alongwith petitioner

versus

NATASHA PATHAK

.... Respondent

Through: Ms.Indira Unninayar & Ms.Nina
Bhalla, Advs. alongwith
respondent

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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29.05.2020

This hearing has been held through video conferencing.

CM No.11521/2020 (Exemption)

This is an application seeking exemption from filing duly notarized affidavits. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.

Court fee shall also be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.

Application is disposed of.

CM(M) 353/2020

1. This petition has been filed by the petitioner *inter alia* praying for the following reliefs:-

“(a) *Direct the Ld Principal Judge to pass an order on*

application under Section 10(3) of the Family Court Act read with Section 151 CPC.

(b) Allow the present petition and pass an order granting the Petitioner interim custody as per order dated 27/ 11 /2020 and direct Respondent to comply with order dated 27/ 11 /2020

(c) Permit Petitioner to spend 15 days summer vacations with the minor child.”

2. The learned counsel for the petitioner submits that the arguments on the application under Section 10(3) of the Family Courts Act, 1984 were heard by the learned Family Court on 01.02.2020 and orders were reserved. Due to the closure of Courts for the reason of Covid-19 pandemic, the said order was not pronounced.

3. Keeping in view the directions issued by the High Court as contained in the letter dated 30.04.2020, the learned Principal Judge, Family Court, South-East, Saket is requested to pronounce the order on the application preferably within a period of 10 days from the receipt of this order.

4. As far as the prayer of the petitioner for custody of the child for a period of 15 days during the child's summer vacations is concerned, the petitioner shall be entitled to move an application before the learned Family Court seeking similar relief. The learned Family Court is requested to treat such application as an urgent one and make an endeavour to dispose of the same within a period of two weeks from its filing.

5. The petitioner shall serve an advance copy of the said application on the respondent and inform the respondent of its listing so as to expedite the hearing of the said application.

6. As an interim arrangement till such application is decided, with the

consent of the parties, it is directed that the petitioner is entitled to have a video call with the child for two hours on every Wednesday and Saturday at 5:00 p.m. As there are allegations and counter allegations made regarding the previous video calls that have taken place between the petitioner and the child, the parties shall be free to record such video calls to keep a record of the same. During such video calls, the respondent shall not be present in the room from where the child is connected through the video call with the petitioner.

7. It is made clear that this is only an interim arrangement made till such time as the learned Family Court decides on the application so moved by the petitioner pursuant to the liberty granted hereinabove. The learned Family Court would be entitled to make further arrangement of visitation after hearing the parties.

8. The petition is disposed of with the above directions.

9. The order shall be uploaded on the website and shall also be provided to the learned counsels on the e-mail address provided.

NAVIN CHAWLA, J

MAY 29, 2020/Arya/sd