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

+ CM(M) 464/2023 & CM APPL. 13834/2023

SMT. RAZIA AHMAD

..... Petitioner

Through: Mr.Om Prakash, Mr.Durgesh Gupta,
Adv. alongwith petitioner in person.

versus

SH. VAQAR AHMAD

..... Respondent

Through: Mr.S.U. Mirza, Adv. alongwith
respondent in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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04.10.2023

1. This petition has been filed challenging the order dated 02.01.2023 passed by the learned Judge, Family Court-01, Shahdara District, Karkardooma Courts, Delhi (hereinafter referred to as the 'Family Court') in Hindu Adoption/GS No. 56/16, titled *Sh.Vaqar Ahmad v. Smt.Razia*, dismissing the application filed by the petitioner herein which sought directions against the respondent herein to arrange air tickets for the child to travel from Karnataka to Delhi and back in order to minimise the loss of her studies.

2. The learned Family Court has observed that the same was only a delaying tactic and, therefore, dismissed the application with costs of Rs.25,000/- to be paid to the Legal Aid. The learned Family Court further struck down the defence of the petitioner herein for non-compliance of the *interim* direction of visitation rights.

3. It was pointed out by the petitioner that the child is studying in Karnataka and could not come to Delhi because of her own schedule of



studies. It was also pointed out that the child is aged about 17 years.

4. This Court interacted with the child on 17.08.2023, and directed as under:

“1. The child has appeared in Court. She has also interacted with the respondent. As she is presently studying in Bidar, Karnataka, she shall have virtual meetings with the respondent on every Sunday between 8.00 p.m. to 8.30 p.m. starting from 27.08.2023.”

5. The learned counsel for the respondent submits that the above order has not been fully complied with by the petitioner. He submits that though the child has spoken to the respondent telephonically, the same is irregular; not for the time that had been directed; and not virtually but only telephonically.

6. The learned counsel for the petitioner, on the other hand, submits that the same may be due to the busy schedule of the child.

7. Be that as it may, as the child is aged about 17 years and is presently studying in Bidar, Karnataka, in my opinion, the Impugned Order is liable to be set aside. It is ordered accordingly.

8. However, the *interim* arrangement as has been directed by this Court vide its order dated 17.08.2023 shall continue. The petitioner is directed to counsel the child to ensure that the order dated 17.08.2023 of this Court is properly complied with.

9. The petition is disposed of in the above terms. There shall be no order as to costs.

NAVIN CHAWLA, J

OCTOBER 4, 2023/Arya/AS

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