

IN THE COURT OF VIKAS DHULL, ADDITIONAL
DISTRICT JUDGE-01, THC, WEST, DELHI

GP No. 29/2019
CC No. 11/2019
PS: Rajouri Garden

In the matter of :

Vishal Verma

... Applicant

Versus

Twinkle Vinayak

... Respondent

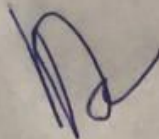
Through Webex Video Conferencing

23.04.2020 (12 noon)

Pr: Applicant in person with counsel Sh.Rohit
Sharma.

Respondent in person with counsel Sh.Naveen
Kumar

1. This is an application filed by the applicant



wherein it is averred that he was granted visitation rights with regard to his child aged about 03 years by the Ld.Additional Principal Judge of the Family Court, West, THC, Delhi vide order dated 06.07.2019.

2. As per the order of the Family Court dated 06.07.2019, applicant was granted visitation rights to meet his child, who is in the custody of respondent on the First and Third Saturday of every month from 11.00 a.m. to 3.00 p.m.

3. It is further averred in the application that respondent complied with the aforementioned order of the Family court till Mid February, 2020. But thereafter, respondent has failed to comply with the said order and applicant has not met his child for the past 40 days.

4. It is also averred in the application that due to pandemic Covid-19 situation, applicant is not pressing for physical meeting with the child and accordingly, he has made a prayer that he be allowed to make a video call to the child for 10 minutes everyday on the whatsapp number of the respondent to know about the



well being of his child. In support of his submissions, Id.counsel for applicant has relied upon the judgment of the **Hon'ble Supreme Court of India delivered in Yashita Sahu Vs.The State of Rajasthan and Ors., Criminal Appeal No. 127 of 2020 decided on 20.01.2020.**

5. Notice of the said application was issued to the respondent.

6. I have heard Sh.Rohit Sharma, Ld.counsel for applicant and Sh.Naveen Kumar, Ld.counsel for respondents as well as parties through video conferencing.

7. It was submitted by Id.counsel for applicant that from mid of February, 2020, applicant has not seen his child nor he was able to have a talk with the child and whenever he tried to make a video call on the whatsapp number of the respondent, he could not do so as the respondent has blocked the applicant's and his family members on whatsapp.

8. It was submitted that due to prevailing pandemic Covid-19 situation, applicant cannot meet the child



physically but he has a right to know about the well being of his child and that right of the applicant can be made available to him if he is able to make a video call to the child every day for 10 minutes on the whatsapp number of the respondent. Accordingly, a prayer was made for passing of appropriate orders.

9. On the other hand, Ld.counsel for respondent has submitted that they have complied with order of the Family Court, West, THC, Delhi dated 06.07.2019 and have not violated or intended to violate the said order of the Family Court.

10. It was further submitted that in February, 2020, the school of the child was closed and due to lockdown orders passed by the Government of India, order of the Family Court dated 06.07.2019 for visitation rights of applicant could not be complied with.

11. It was further submitted that respondent is working at home from till 10.00 a.m. to 06.00 p.m. and she can arrange for a video call on whatsapp every alternate day for 2-3 minutes at 12 noon.

12. It was further submitted that the child



comfortable on the video call for a short duration of 2-3 minutes only and respondent has no objection if the applicant makes a video call for such a short duration.

13. Ld.counsel for the respondent has also expressed his apprehension that applicant is in the habit of recording video call just to create evidence in the litigation pending between the parties and therefore, he should not be allowed to record the video call being made to the child. Accordingly, it was submitted that appropriate orders be passed in the present case.

14. I have considered the rival submissions of respective parties and have gone through the judgment of the Hon'ble Supreme Court of India delivered in Yashita Sahu's case (supra) relied upon by Id.counsel for applicant.

15. Having regard to the pandemic Covid-19 situation and to the Lock down orders passed by the Government of India and the Government of Delhi, the order of the Family Court, West, THC, Delhi dated 06.07.2019 cannot be complied with by respondent as it would put the health of parties to risk. However, the



made to the child at the whatsapp number of the respondent under any circumstances and if any such recording is done, then the same shall not be admissible in any court of law.

18. The present order shall remain in operation till such time it is modified by the concerned Family Court, West, THC, Delhi where the matter is pending between the parties. Accordingly, **the application stands disposed off.**

19. A copy of order be given dasti to both parties.

20. A copy of order be also retained by the computer branch, West, THC, Delhi to be sent to the concerned Family Court, West, THC, Delhi where the matter is pending between the parties.


(Vikas Dhull)
ADJ-01, West,
THC, Delhi
(Duty Officer)
23.04.2020

court is also conscious of the fact that applicant has a right to know about the well being of his child. Therefore, in the prevailing situation, order dated 06.07.2019 of the Family Court, West, THC, Delhi is required to be modified so that applicant can have the visitation rights through video call. Accordingly, **it is hereby directed that respondent will co-operate with the applicant and will allow applicant to have a video call with the child every day from 24.04.2020 i.e. tomorrow from 12 noon to 12.10 p.m. and will not block the whatsapp number of the applicant during the aforementioned period.**

16. The contention of the Id.counsel for respondent that the child is only comfortable to talk to the applicant for 2-3 minutes on the video call is required to be rejected as the Family Court, West, THC, Delhi has granted visitation rights of 04 hours to applicant i.e. from 11.00 a.m. to 3.00 p.m. and here only, applicant is asking for 10 minutes talk time and that too through video call.

17. Further, applicant shall not record the video call

