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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 12.03.2025***

+ MAT.APP.(F.C.) 106/2025

RAHUL GULATI

.....Appellant

Through: Mrs.Manasi Bhushan,
Mr.Yattinn A. Arrora,
Ms.Sanjana Patel,
Mr.Mohammed Navas K.,
Ms.Hanna Shirin, Mr.Akshit
Chaudhary, Advs with
appellant in person.

versus

JYOTSNA GULATI

.....Respondent

Through: Nemo

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR****NAVIN CHAWLA, J. (ORAL)****CM APPL.15258/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

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2. This appeal has been listed before us on being mentioned before Hon'ble the Chief Justice and being allowed to be listed today itself.

3. This appeal has been filed by the appellant being aggrieved of the Order dated 11.03.2025 passed by the learned Judge, Family Court-02, West District, Tis Hazari Courts, Delhi in H.M.A. No.2002/2022, titled ***Rahul Gulati v. Jyotsna Gulati***, which, according to the appellant, has directed the appellant to hand over the



custody of the two daughters, who are twins and aged about 8 years, to the respondent on 14.03.2025 at 2.30 P.M., and has further directed the respondent to hand back the custody of the children to the appellant on 15.03.2025 at 6 P.M., thereby granting overnight custody of the children to the respondent.

4. The learned counsel for the appellant submits that a copy of the detailed order has still not been released by the learned Family Court.

5. She submits that in the proceedings before the learned Family Court, on 20.03.2023, the respondent had willingly handed over the custody of one of the minor daughters to the appellant; the custody of the other minor daughter was already with the appellant. The respondent was allowed visitation rights to the children twice in a month, that is, on every 1st and 4th Saturday of every month between 2.00 P.M and 5.00 P.M in the Children Room of the learned Family Court. She submits that the appellant has been complying with the said order, however, it is the respondent who, on various occasions, has not turned up to meet the children in the Children Room of the learned Family Court. She submits that since 2023, the children have not spent a night with the respondent and, therefore, may, in fact, be uncomfortable spending the night with her.

6. The appellant, who is present in person in the Court, undertakes that he shall allow unhindered visitation rights of the children to the respondent on 14.03.2025 at 2.30 P.M. and on 15.03.2025 as well, however, is apprehensive only of the children spending the night with the respondent.

7. Keeping in view the submissions made hereinabove, and as the



Impugned Order is being challenged before us only to the limited extent that it grants an overnight visitation right to the respondent between 14.03.2025 and 15.03.2025, we do not intend to issue notice of this appeal to the respondent, as the appeal itself shall become infructuous post 15.03.2025.

8. At the same time, keeping in view the fact that it is the submission of the appellant that the respondent has not enjoyed overnight visitation rights over the children since 20.03.2023, when the custody of one of the children was willingly handed over by the respondent to the appellant, and the respondent has merely been enjoying visitation rights at the Children Room attached to the learned Family Court, we modify the Impugned Order to the limited extent as under:

- a) The appellant shall hand over the custody of both the children to the respondent on 14.03.2025 at Vegas Mall, Sector-14, Dwarka at 2:30 P.M. The respondent shall spend time with the children till 7:00 P.M. on the said date, after which she will hand over the custody of both the children back to the appellant.
- b) Similarly, on 15.03.2025, the appellant shall hand over the custody of both the children to the respondent at Vegas Mall, Sector-14, Dwarka at 11 A.M., and the appellant shall take back both the children from the custody of the respondent at 7:00 P.M. on the said date.
- c) In the *interregnum*, when the children are with the respondent, the respondent shall be free to take the children



out of the mall and to any place she feels comfortable.

d) The appellant shall not remain present at the time of the visitation of the children with the respondent.

9. We make it clear that we have not expressed any opinion on the plea of the appellant that the children would be uncomfortable in spending the night with the respondent. This arrangement is being made only because we are informed that the respondent has not had overnight visitation rights over the children for last almost two years and had filed the application seeking such rights only recently.

10. We also, as stated earlier, do not have a copy of the Impugned Order, or the reasons for the passing of the Impugned Order. In fact, the order impugned before us is only the final direction that directs that overnight visitation rights have been given to the respondent. In case there are any other directions in the said order, it shall be open to the parties to avail of their remedies in accordance with the law once the complete copy of the order is made available to them.

11. This order should not, in any manner, be considered as an expression of opinion on any of the pleas of the appellant, or have any adverse impact on the rights of the respondent.

12. The appeal, along with the pending application, is disposed of.

13. *Dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

HARISH VAIDYANATHAN SHANKAR, J
MARCH 12, 2025/Arya/SJ