

Court No. - 39

Case :- FIRST APPEAL DEFECTIVE No. - 314 of 2024

Appellant :- Laxmi Prakash

Respondent :- Pooja Gangwar

Counsel for Appellant :- Kinshuk Shukla,Utkarsh Shukla

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Donadi Ramesh,J.

1. Heard Sri Utkarsh Shukla, learned counsel for the appellant and perused the record.
2. Present appeal has been filed with a short delay. In view of the order proposed to be passed, delay condoned.
3. Submission is, the minimal visitation right provided is impractical to the extent, the learned court below has provided for visitation right to the appellant at a police station.
4. A police station can never be described as an appropriate place where visitation right may be allowed. Visit by any child to a police station may not be a desirable event in his life. Unwittingly, he may become witness to occurrences and transactions that may not be conducive for his upbringing. He may be confronted with different sights which may not be pleasant to a child's mind. It will take years for a minor to grow into an adult who may comprehend and understand what he witness in the right perspective. Whether it may be a sight of an accident victim or an assault victim or the language used or the handcuffs. All such rights though part of life may not be desirable to be witnessed by a child facing or bearing the brunt of the stressed marriage of his parents.
5. All those visuals may not be such as may be voluntarily added to the child's memory, especially when the child is himself undergoing a trauma of having parents who are living in discord. The emotional scale of the child is not to be burdened unnecessarily.

6. Thus, the order passed by the learned court below may be given effect to with the modification, the visitation right permitted by the learned court below may be a place within the premises of the Family Court, Bareilly or at the vulnerable witness center or such other suitable place as the learned court below may provide with appropriate security arrangements, if necessary with the help of DLSA Bareilly.

7. We also make it plain that it may remain open to the parties to make a proper application before the learned court below to seek appropriate modification with respect to the place where such visitation right may be granted. If such application is filed, the same may be considered on its own merit.

8. With the above modification, present appeal stands **disposed of**.

Order Date :- 24.7.2024
Abhilash

(Donadi Ramesh, J.) (S. D. Singh, J.)