

2023 LiveLaw (SC) 847

IN THE SUPREME COURT OF INDIA

A.S. BOPANNA; J., MANOJ MISRA; J.

Petition(s) for Special Leave to Appeal (C) No(s). 2437/2023; 03-10-2023

ADARSH C.B. versus ASWATHY SIDHARTHAN

**Family Law – Child Custody - Visitation in court premises not in child's interest -
Allows father to meet child in mall.**

(Arising out of impugned final judgment and order dated 10-01-2023 in OPFC No. 665/2022 passed by the High Court of Kerala at Ernakulam)

For Petitioner(s) Mr. Sriram Parakkat, Adv. Mr. Nishe Rajen Shonker, AOR Mrs. Anu K Joy, Adv. Mr. Abraham C. Mathew, Adv. Mr. Alim Anvar, Adv.

For Respondent(s) Ms. Tanya Aggarwal, Adv. Mr. Arkaj Kumar, Adv. Ms. Neelam Singh, AOR

ORDER

The Family Court, through its order dated 10.11.2023, had granted the visitation rights of the child to the petitioner-father herein between 11:00 a.m. to 04:00 p.m. on Sundays in court premises. The High Court, did not however, interfere with the said order. It is in that light, the petitioner-father is before this Court.

In a matter of the present nature, it is needless to mention, as rightly observed by the High Court, the welfare of the child is also to be kept in view by the Court. However, at this stage we find that the repeated visitation rights in the Court premises, would also not be in the interest of the child as the environment during which the visitation rights are exercised, would also matter.

Therefore, at this stage, we see no reason to dispose of the instant petition but we direct that the visitation rights, as granted by the Family Court, shall stand altered for the present whereby the interim custody of the child shall be made over to the petitioner-father by the respondent-mother at the entrance of the RP Mall, Kollam, Kerala at 11:00 a.m on Sundays. The petitioner-father may take the child to the said mall and exercise the visitation rights till 02:00 p.m. of the same day. The custody of the child shall be made over to the respondent-mother at the same spot (entrance of the mall) where the child was made over to the petitioner-father at 02:00 p.m. The said arrangement shall continue on the Sundays, as has been ordered by the Family Court and a further consideration would thereafter be made by this Court.

List the matter on 31.10.2023.

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