



2026:DHC:128-DB



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 22.12.2025

Judgment pronounced on: 09.01.2026

Judgment uploaded on: 09.01.2026

+ MAT.APP.(F.C.) 433/2025, CM APPL. 81004/2025 & CM APPL. 81005/2025

JAGMEET CHOPRAAppellant
Through: Appellant in-person.

versus

BASANT SAWHNEYRespondent

Through: Mr. Vaibhav Sharma, Ms. Urvashi Sharma and Mr. Vinayak Gautam, Advs.

CORAM:

**HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

JUDGMENT

ANIL KSHETARPAL, J.

1. Through the present Appeal, the Appellant-father assails the correctness of the order dated 15.12.2025 [hereinafter referred to as 'Impugned Order'] passed by the learned Family Court, Patiala House Courts, New Delhi, whereby the Family Court, in exercise of its discretionary jurisdiction, allowed the application moved on behalf of the Respondent-mother seeking modification of the earlier order dated 14.11.2024 and, accordingly, modified the visitation arrangement by directing that the Appellant shall meet the minor daughter on the 2nd and 4th Saturday of every month at Ambience Mall, Vasant Kunj,

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Delhi at 6:00 pm, for a duration of one hour, along with provision for video calls on 1st and 3rd Friday of every month at 6:00 pm, for a duration of 20 minutes, while keeping the remaining conditions of the earlier order intact.

2. The short issue which arises for consideration in the present Appeal is whether the learned Family Court committed any jurisdictional error or material irregularity in modifying the interim visitation arrangement, by reducing the extent and frequency of visitation, in exercise of its discretionary powers, keeping in view the welfare of the minor daughter as the paramount consideration?

FACTUAL MATRIX

3. In order to appreciate the controversy involved in the present Appeal, the relevant facts, shorn of unnecessary details, may be briefly noticed. The marriage between the parties was solemnized on 28.10.2019 and out of the said wedlock, a daughter was born on 23.01.2021. Subsequently, marital discord arose between the parties, leading to the initiation of family court proceedings, *inter alia*, with respect to custody and visitation of the minor daughter.

4. Initially, the Family Court on 31.07.2023, passed a detailed order regulating the visitation of the Appellant-father with the minor daughter. The order provided a structured visitation schedule, the details of which were later modified, after deliberation and consideration, on 14.11.2024. By the said order dated 14.11.2024, the Family Court recorded that the Appellant-father was permitted to meet the minor daughter at Ambience Mall, Vasant Kunj, Delhi at 6:00 pm



on Sunday, Wednesday and Friday of every week, for a limited duration of one hour on each occasion. It was further directed that the Respondent-mother would bring the child to the designated play area on the 3rd Floor of Ambience Mall and remain at a reasonable distance of 50 meters, so as to enable interaction between the Appellant and the minor daughter in a non-intrusive environment. The arrangement was expressly framed as an interim measure, subject to further orders of the Court.

5. Despite the interim visitation arrangement of 14.11.2024, disputes between the parties persisted. On 14.12.2024, an altercation arose between the Appellant and the mother of the Respondent at the shared household. It was contended on behalf of the Respondent that the Appellant and his family members had carried tools to the premises and attempted to break open the doors, incidents which were allegedly witnessed by the minor daughter. FIR No. 0076 dated 29.01.2025 was registered with respect to the said incident, which remained under investigation at the relevant time.

6. Further incidents were alleged by the Respondent on 24.05.2025 and 10.07.2025, including disconnection of electricity, tampering with CCTV cameras, and removal of an iron gate at the shared residence. Complaints and applications under the Protection of Women from Domestic Violence Act, 2005 ['PWDV Act'], were filed in respect of these events, and certain interim notices were issued by the learned Additional Sessions Judge ['ASJ'].

7. The Family Court, on 15.12.2025, while considering the



Respondent's application for modification, noted the above incidents and, relying on the alleged conduct of the Appellant and his family members, modified the visitation arrangement. By the Impugned Order, the Court directed that the Appellant-father would meet the minor daughter only on the 2nd and 4th Saturday of each month at 6:00 pm in Ambience Mall, Vasant Kunj, Delhi for a duration of one hour. In addition, provision for video calls on 1st and 3rd Friday of each month at 6:00 pm for 20 minutes was also allowed. The remaining conditions of the order dated 14.11.2024 were retained.

8. Aggrieved thereby, the present Appeal was filed by the Appellant.

CONTENTIONS OF THE PARTIES

9. The Appellant-father contended that:

- i. The Family Court failed to consider the fact that there has been no significant change in circumstances since the order dated 14.11.2024. It was asserted that the visitation arrangement, which was arrived at after mutual consent, should not have been modified without any substantial change in the facts of the case.

- ii. The reduced visitation schedule in the Impugned Order is not in the best interest of the minor daughter, as it impedes the child's relationship with the father, thus denying the child the opportunity to have a meaningful connection with both parents. It was submitted that any modification of the visitation arrangement should be done only on the basis of clear and



compelling evidence of the child's welfare being at risk.

iii. The Family Court failed to give due consideration to the emotional bond that exists between the child and the father. The reduction in visitation, according to the Appellant, would result in the alienation of the child, which could have long-term negative effects on the child's psychological development.

10. *Per contra*, learned counsel for the Respondent, who appears on advance notice, contended that:

i. The Family Court worked on the principle of paramount consideration in the welfare of the child as there have been serious allegations and incidents concerning the Appellant's behavior, which have impacted the child's welfare. These incidents include alleged illegal breaking into the shared household, threats, and disturbances witnessed by the minor daughter, leading the Respondent to feel concerned about the child's safety during the visits.

ii. The minor daughter is presently of school-going age and is in her formative years, requiring stability, routine, and adequate time for academic engagement as well as co-curricular activities. The earlier visitation arrangement, which required the child to attend multiple physical meetings during the week for limited durations, entailed repeated travel and disruption of the child's daily schedule. In such circumstances, the modification of visitation, by reducing the frequency of physical interaction while retaining avenues for regular contact, was urged to be better aligned with the child's overall welfare and developmental needs.



iii. The Appellant's conduct, including violations of protection orders and court directions, has demonstrated a lack of regard for the welfare of the child and the safety of the Respondent.

ANALYSIS & FINDINGS

11. This Court has considered the rival submissions advanced by the Appellant and learned counsel for the Respondent and perused the material on record in the context of governing principles applicable to interim visitation. It is well settled that, in matters concerning custody and visitation, the welfare of the minor child is the paramount consideration, overriding all other considerations, including the convenience or preference of either parent. The Court must ensure that the child's physical safety, emotional well-being, and opportunities for healthy development are safeguarded, while promoting meaningful contact with both parents wherever possible. Any modification of visitation rights must, therefore, be guided by evidence demonstrating a clear need for change in order to protect the child's welfare, rather than on speculative or minor disputes between the parents.

12. At the outset, it is appropriate to refer to the relevant paragraphs of the detailed order dated 31.07.2023, which was passed in the factual context then prevailing and formed the basis for the evolving visitation arrangements. The same reads as under:

"45. It is true that mother can better understand the touch but mother is not infallible. Hence, not every thing what respondent says would be believed or acted upon.....

46. As on day petitioner stands on better footing qua his desire to meet the child because allegation against him has already been investigated by an independent agency and nothing direct or



circumstantial evidence was found to prosecute him except for the statement of the respondent.....

47. In the context of family law, the welfare of the child is of paramount importance. Courts are duty bound to ensure that the best interest of the child are safeguarded while deciding matters relating to custody and visitation. Undisputedly, the minor daughter is at a tender age where the presence and care of both parents are crucial for her overall development. One has got to recognize the significance of the child's bond with each parent and acknowledge the importance of fostering a healthy relationship between the child and both parents. Given that investigation agency have not found by any credible evidence to substantiate the allegation of the respondent rather their report suggest allegation to be motivated and this court also on independent assessment of the material placed on record by the respondent, has *prima facie* not found any truth in the allegation of the respondent and feels that fatherly act of love of the petitioner is being painted wrongly. It has to be kept in mind that child's sexual abuse is very grave offense but it is equally graver to paint an innocuous act of father to be so, that too against his own child.

48. A child has right to get love, care and affection of both parents. No parent has right to deny the child of his/her right to get love, affection and care of other parent because father has some grievance against mother or vice versa or has some misunderstanding against each other.

49. Thus, enforcing the right of the child this court directs respondent to let the child to be with her father/petitioner everyday for two hours from 5 PM to 7 PM in the park near their residence of the parties as both parties are residing within distance of 100 meters. Since child is of very tender age therefore mother would be around but since she is likely to raise objection every now and then therefore though she would be around but must be fifty meters away from the child when it meets her father so that child has unhindered access to her father. Respondent is better advised to send her maid to be around the child with clear instruction not to interfere in the meeting of the child with petitioner. Respondent is directed to co-operate so that this order of the court is complied with in letter and spirit.....”

xxx

xxx

xxx

13. Further, it would be also be appropriate to reproduce the relevant paragraphs order dated 14.11.2024, which was sought to be modified *vide* the Impugned Order. The same reads as under

“.....Ld. Counsel for the respondent has submitted that he and

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16:48:55



respondent are very much aware that visitation of the petitioner with the child cannot be suspended for unlimited period as that may amount to alienation, therefore, he has submitted that limited visitation be permitted either through video conferencing or under the supervision of the Local Commissioner for reduced duration. He has further submitted that since current pollution level in Delhi has touched the alarming situation so visitation be changed from park to elsewhere.

Ld. Counsel for the petitioner has submitted that respondent be directed to handover the custody of the child for one hour because petitioner is living in the same vicinity and therefore, it cannot be inconvenient for the petitioner, respondent as well as for the child.

However, after much deliberation and consideration, it has been agreed between the parties that the petitioner shall meet the child in the nearby mall i.e. Ambience Mall, Vasant Kunj at 6:00 PM on Sunday, Wednesday and Friday of every week. The visitation shall be for one hour. Respondent will drop the child at the play area on the 3rd Floor of Ambience Mall and respondent shall stand atleast 50 meters away so that petitioner and child meet exclusively for one hour.

None of the parties shall take photographs and videography of the meeting, however, petitioner is permitted to click one or two photographs of the child. In case child wishes to move around in the same floor with petitioner or vice versa it will not be prevented by the respondent. It is expected that both parties will cooperate with each other so that meeting happens. If any dispute with respect to interpretation of the order arises, both parties will interpretate [sic] the order in the manner which propagate meeting between the petitioner and the child. The meeting shall start from 17.11.2024.....”

14. A perusal of the record demonstrates that the interim visitation arrangement was thoughtfully structured with due regard to the paramount welfare of the minor daughter. The arrangement ensured that the Appellant-father had meaningful contact with the minor daughter in a safe, neutral, and non-intrusive environment, while simultaneously safeguarding the child's emotional well-being and physical safety. Subsequent to the order dated 14.11.2024, certain incidents and disputes arose which were brought to the attention of the



Family Court and were material in its decision to modify the visitation schedule. These incidents include:

- i. On 14.12.2024, an alleged altercation occurred at the shared household between the Appellant and the mother of the Respondent, where it was asserted that the Appellant and his family members carried tools and attempted forcible entry, with the minor daughter allegedly witnessing the events. FIR No. 0076 dated 29.01.2025 was registered and remained under investigation.
- ii. On 24.05.2025, electricity supply to the shared residence was disconnected, CCTV cameras were tampered with, and an iron gate installed outside the residence was cut open and removed.
- iii. On 10.07.2025, the outer padlock of the iron door was removed and CCTV cameras were disabled using black tape. These acts were alleged to have caused obstruction and insecurity for the Respondent and the minor daughter.
- iv. Related applications filed under the PWDV Act, and notices issued by the learned ASJ highlighted the emergent nature of some of these events, reflecting concerns for the safety of both the Respondent and the minor daughter.

15. The Family Court, taking note of the aforesaid incidents, observed that the conduct of the Appellant and his family members, if established, could materially affect the welfare and emotional well-



being of the minor daughter. Exercising its discretionary jurisdiction, the Court modified the visitation arrangement by reducing the frequency of physical meetings, while at the same time permitting controlled video interaction. The rationale was to balance the Appellant-father's right to maintain meaningful contact with the paramount requirement of safeguarding the child's safety, stability, and emotional security. It is well settled that the power to modify visitation arrangements is not to be exercised merely on considerations of convenience or routine parental disagreement, but only where circumstances are demonstrated to have a material impact on the welfare of the child.

16. In assessing the competing contentions, this Court recognizes that while a parent is entitled to regular and meaningful visitation, such interaction must not expose the child to circumstances likely to cause physical harm, emotional distress, or psychological instability. The FIR dated 29.01.2025, placed on record before the learned Family Court, as well as the allegations pertaining to disconnection of electricity and tampering with CCTV cameras, indicate the existence of continuing disputes which, if left unresolved, may have a bearing on the child's sense of security and well-being.

17. The Impugned Order, therefore, continued to provide for physical meetings on the 2nd and 4th Saturdays of each month, along with video calls on the 1st and 3rd Fridays of each month, thereby regulating the mode and frequency of interaction without terminating or unduly restricting parental contact. The modification was protective rather than restrictive aimed at ensuring the child's safety, stability,



and emotional security in the context of ongoing disputes between the parties, while providing adequate physical and virtual contact in a manner that better aligns with the child's academic and developmental needs.

18. It is also acknowledged that the Appellant-father has denied the allegations levelled against him. However, at the stage of determining interim visitation, the Court is not required to render definitive findings on disputed facts. What is required is an evaluation of whether the allegations and surrounding circumstances, taken cumulatively, raise concerns that may have an adverse impact on the child's welfare. While the Appellant-father's apprehension of parental alienation is noted, the modification of visitation in the present case is a protective measure, ensuring the child's well-being while preserving avenues for continued meaningful contact. Such an approach aligns with the established principle that the welfare of the child must prevail over all other considerations in matters of custody and visitation.

19. Furthermore, it is a matter of record that approximately twenty litigations are pending between the parties and their respective family members, reflecting the acrimonious nature of their relationship. Such multiplicity of proceedings demonstrates that the marital discord has translated into prolonged adversarial litigation. While each party asserts its legal rights, this Court cannot be unmindful of the fact that sustained *inter se* conflict between parents has a direct bearing on the emotional and psychological well-being of a minor child, particularly one of tender age. During the formative years, a child requires stability, emotional security, and an environment insulated, as far as



possible, from parental discord. The Courts exercising jurisdiction in custody and visitation matters are therefore duty-bound to ensure that the child does not become a casualty of ongoing disputes between the parents.

20. In the aforesaid conspectus, this Court finds no perversity, jurisdictional error, or material irregularity in the exercise of discretion by the Family Court while passing the Impugned Order. The modification of the interim visitation arrangement was based on relevant considerations arising subsequent to the order dated 14.11.2024, and is proportionate in nature, as it neither restricts parental contact nor curtails communication, but appropriately regulates the mode and frequency thereof. The Family Court, in balancing the Appellant-father's right to maintain meaningful contact with the child against the paramount consideration of the child's welfare, acted within its discretionary powers. It is well settled that an appellate court ought not to substitute its own view for that of the court of first instance in matters of discretionary interim arrangements, unless the decision is shown to be manifestly arbitrary or contrary to the welfare of the child, which is not the case herein. Moreover, only interim arrangement for visitation has been made which is open to modification, change and, increased if circumstances permit.

CONCLUSION

21. The Appeal is, accordingly, dismissed. The interim visitation arrangement, as modified by the Impugned Order, shall continue to operate until further orders of the competent court. The Family Court



shall ensure due and effective implementation of the visitation arrangement in accordance with law. A copy of this judgment be provided to both parties.

22. It is reiterated that the visitation of the Appellant-father with the minor daughter shall continue in a manner that prioritises the child's welfare, emotional stability, and overall well-being. Both parties are directed to cooperate in facilitating the scheduled physical meetings and video interactions in good faith, without creating any situation likely to cause distress or discomfort to the minor daughter. Any future modification of visitation rights shall be considered only upon a clear and demonstrable change in circumstances having a bearing on the welfare of the child.

23. It is clarified that the observations made herein are confined solely to the adjudication of the interim visitation arrangement and shall not be construed as an expression on the merits of the pending proceedings between the parties. Needless to state, in the event of any material change in circumstances, either party shall be at liberty to approach the Family Court for appropriate relief, which shall be considered independently and strictly in accordance with law, keeping the welfare of the minor daughter as the paramount consideration.

24. Before parting, this Court deems it appropriate to observe that both parents bear a shared responsibility to act with maturity, restraint, and sensitivity, and to foster a healthy and positive environment for the minor daughter, particularly during her formative years. The Family Court may, if it so deems appropriate, explore the possibility



2026 :DHC:128-DB



of counselling or mediation to assist the parties in evolving a more harmonious co-parenting framework, so that the child's best interests are not eclipsed by continuing *inter se* disputes.

25. All pending applications also stand dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

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