



2025:DHC:2579-DB



\$~4(14.04.2025)

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 15.04.2025*

+ MAT.APP.(F.C.) 383/2023 & CM APPL. 66698/2023

**RICHA SUREKA** .....Appellant

Through: Mrs. Vandana Kejrewal, Adv.  
versus

**AKHIL KUMAR SUREKA** .....Respondent

Through: Mr. NP Singh, Mr. Barun Dey  
& Mr. Amrit Singh, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (Oral)**

1. The matter is taken up today as 14.04.2025 was declared as a holiday on account of birthday of Dr. B.R. Ambedkar.

2. This appeal has been filed challenging the Order dated 04.09.2023 passed by the learned Judge, Family Court, South West District, Dwarka Court, Delhi (hereinafter referred to as "Family Court") in GP No. 79 of 2022 titled *Akhil Kumar vs. Surekha*, directing that the girl child, who is now around eleven years old, shall be allowed physical interaction with the respondent/father on 3<sup>rd</sup> Saturday of every month, post the clearance of the arrears of the maintenance, under the supervision of the counsellor at the Children Room at Family Court, Dwarka, for one hour between 2:00 PM to 3:00 PM.

3. The learned counsel for the appellant submits that the appellant along with the girl child have been residing separately from the





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learned Family Court and therefore, the present appeal is liable to be dismissed.

8. He submits that as far as the arrears of maintenance are concerned, the respondent is in arrears of only around Rs. 3,00,000/- towards maintenance. For the other expenses, he disputes his liability.

9. Before we consider the above submissions of the learned counsels for the parties, we would note that by an Order dated 15.03.2024, we had referred the parties and the child to a counsellor.

10. The counsellor had submitted a report dated 17.05.2024. We have gone through the same. Before granting short visitation to the respondent with the child, the learned Family Court had also interacted with the child and found that the child has not stated anything specific as to her non-inclination to interact with her father and merely stated that she does not know him or even recognizes him and has further stated that she has no interest to interact with him who has not cared for her at all.

11. From the above narration of facts and the submissions, one thing that would be apparent is that the girl child is now eleven years of age and has been living separately from the respondent since the year 2016. Admittedly, she was having some minor interactions with the respondent till at least 2018, whereafter the respondent states that he was not allowed to have any interaction with the girl child.

12. Though the appellant submits that it was all because of the respondent's own doing that the respondent stopped having been interaction with the girl child and eliminated her from himself, at this juncture, without there being any material placed before us, we do not





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16. As far as the arrears of maintenance is concerned, we are informed that the respondent is paying for the school fee of the girl child. There is a dispute of the arrears of maintenance being paid by the respondent; the difference between the same is only around Rs.7,00,000/-. This, however, does not include the expenses which the appellant is claiming to be undertaking in terms of the Order dated 24.05.2023 passed by the learned Family Court.

17. We are of the opinion that these should be determined by the learned Family Court and we would like to refrain from commenting on the same except stating that the learned Family Court, in the impugned order, has directed that the visitation rights shall be exercised by the respondent on payment/clearance of the arrears of maintenance.

18. As noted hereinabove, the learned counsel for the appellant submits that the appellant is even willing to forgo her claim of maintenance, however, she submits that the child would be traumatised when she is directed to meet the respondent at the Court premises. The aforesaid submission does not impress us. The bond between the child and her father cannot be prevented from being re-established only by giving up the claim of maintenance.

19. While we do not find from the report of the counsellor appointed by us that the child is unwilling to meet the respondent, at least an attempt in that direction needs to be made. If the learned Family Court on receiving reports from the counsellor attached to that Court finds that such attempt has not given the desired result or is resulting in the detriment of the child, the learned Family Court can

