

Current Legal Affairs

Supreme Court: Child has right to love and affection of both parents

In a recent case of Himanshu Chordia vs Arushi Jain, the Apex court recently reaffirmed that a kid has the right to both parents' love and affection, as well as access to both parents.

The court said, *"We have no doubt that the child needs both parents and the child would be equally happy, if not happier, in the company of the mother as well. The child would perhaps be happiest if he could have both his parents. Unfortunately, the parents are unable to resolve their differences and stay together. Be that as it may, the child has a right to access both parents, and get the love and affection of both parents. Whatever be the differences between the spouses, the child cannot be denied company of his father."*

The Court was hearing an appeal from a father who was appealing a Rajasthan High Court decision that denied his request for interim custody of his minor son. The father's request was denied by a family court in July 2021, and the Rajasthan High Court affirmed the decision on October 28, 2021. Due of the Covid-19 outbreak that was raging at the time, the request was denied. As a result, the Supreme Court is now hearing the case.

During the Holi festival, the court allowed the petitioner to go to Udaipur to stay in a hotel and referred the parties to the Supreme Court Mediation Centre. . He was allowed to take the youngster out for a few hours in the afternoon on Holi Day, and then return him to his mother after dinner. The Court further stated that if the kid was cooperative, the petitioner could spend the weekend with the child, i.e. March 19 and 20, 2022, and return the child to the respondent-mother by March 20, 2022. The petitioner brought the youngster out and spent two days with him as a result of this.

When the case was heard on May 20, the petitioner used images to demonstrate that the youngster was content in his presence. Counsel for the respondent-mother further claimed that the respondent can supply similar images. The Court found that the kid need both parents' care, but that the parents are unable to reconcile their disputes and remain together. The

petitioner-father was granted permission to meet and spend time with the kid on their birthday, as well as visitation privileges throughout the summer break, if the youngster agreed.

The court said, *“No pressure should be put on the child. As the COVID-19 situation in the country has improved and life has more or less normalised, the parties may in future approach the Family Court concerned for requisite directions with regard to custody of/access to the child.”*