REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SHEOLI HATI V. SOMNATH DAS (2019)

BENCH: Mr. Justice Ashok Bhushan & Mr. Justice K.M. Joseph **DECIDED:** July 11, 2019

RATIO DECIDENDI & PRECEDENTIAL CRUX:
A child is entitled to love and affection of both parents; visitation rights must be structured to ensure meaningful bonding with the non-custodial parent.

1. Factual Matrix & Background:

Following separation, the mother held custody of the minor daughter. The father was granted limited supervised visitation in court premises, which traumatized the child. The father sought meaningful shared custody and holiday visitations.

2. Substantive Legal Questions Framed:

How must courts balance the custodial rights of the primary caregiver with the child's psychological need to maintain a continuous, loving bond with the non-custodial parent.

3. Analysis & Ratio Decidendi:

The Supreme Court held that in all child custody disputes, courts must recognize that a child has a fundamental psychological right to love and affection from both parents. Supervised meetings in court rooms are unnatural and harmful. The Court structured a liberal shared visitation framework, granting weekend stays, festival visitations, and half of school vacations to the father.

4. Principles Enunciated:

- 1. Child is entitled to the love, guidance, and affection of both parents.
- 2. Court-room supervised visitations should be avoided in favour of natural environments.
- 3. Shared parenting, weekend stays, and holiday divisions promote healthy development.

5. Practical Litigation Implications:

- Non-custodial parents should pray for overnight weekend visitations, vacation time-sharing, and video call access rather than accepting restrictive court-premises visitation.

.....J.
[SUPREME COURT BENCH]

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