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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 5th November, 2012

+ **CM(M). 1190/2012**

MANISH SINHA Petitioner
Through Mr.Tarkeshwar Nath, Advocate

versus

SURUCHI Respondent
Through None

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

G. P. MITTAL, J. (ORAL)

CM. No.18679/2012

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CM(M). 1190/2012

1. The parties who are the husband and wife are litigating for the custody of their minor child Master Mitr. As per the interim arrangement, Master Mitr is staying with the Respondent mother. The Petitioner gets custody of the child on every 2nd and 4th Saturday of the month and the Petitioner returns the child to the Respondent mother on 2nd and 4th Sundays.

2. An Application was moved by the Petitioner to have the interim custody of the child from 23.10.2012 to 28.10.2012 at the time of Dussehra and then from 10.11.2012 to 18.11.2012 at the time of Diwali. The learned Additional District Judge permitted the Petitioner to have the custody of the child on Dussehra on 24.10.2012 and further permitted him to have the custody on 10th and 11th November, 2012 but declined to grant the custody for 10th to 11th November as prayed. Feeling aggrieved, the Petitioner has approached this Court.
3. The Petitioner averred that the school was closed during the earlier said period on account of Dussehra and Diwali. While dismissing the Application dated 09.07.2012 by an order dated 16.10.2012, the learned Additional District Judge noted the averment that the school was closing from 23.10.2012 to 28.10.2012 was factually incorrect as 25.10.2012 was a working day. The Petitioner was permitted to have the custody of the child on 24.10.2012 which was a holiday and was *Vijay Dashmi* (Dussehra). The learned Additional District Judge further observed that the Petitioner would otherwise meet the child on 10.11.2012 and 11.11.2012 which are 2nd Saturday and 2nd Sunday of the month and thus he will be with the mother at the time of Diwali.
4. Thus, the Petitioner celebrated festival of Dussehra with the child. Furthermore, the child would be with the Petitioner on 10th and 11th November which is just before the Diwali. The learned Additional District Judge struck a reasonable balance by permitting the Petitioner to celebrate Dussehra with his son and permitted the Respondent mother to

celebrate Diwali with her son. I do not find any illegality in the impugned order.

5. The Petition is devoid of any merit; the same is accordingly dismissed *in limine*.

(G.P. MITTAL)
JUDGE

NOVEMBER 05, 2012
pst