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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010403602026
+ LPA 674/2026 & CM APPL. 58008/2026, CM APPL. 58009/2026
MASTER ATHARVA IYER & ANR. Appellants
Through: Mr. Ganesh Mishra, Adv.
versus
ST MARKS WORLD SCHOOL & ORS. Respondents
Through: Mr. R. S. Mishra, Adv. for R-1 and 2
CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **31.08.2026**

1. Heard learned counsel representing the parties.
2. This letters patent appeal seeks to challenge an order dated 21.07.2026 passed by the learned Single Judge, whereby W.P.(C)7404/2026 filed by the appellants has been dismissed.
3. The appellant no.2 and respondent no.6 are though married, however, there have been some matrimonial discord, as a result of which, they are presently living separately. The appellant no.1 is the son of appellant no.2 and respondent no.6, who has been studying in the respondent no.1-School.
4. The appellants seek a transfer certificate to be issued by the respondent no.1-School, so that the appellant no.1 can continue with his studies in a school situated in Faridabad, where the appellant nos.1 and 2 are said to be living.
5. The said prayer was opposed by respondent no.6, who is the mother of the appellant no.1 on the ground that the custody of appellant no.1 was forcibly taken by appellant no.2 from the respondent no.6.
6. The respondent no.1-School, however, does not have any objection in



issuing the transfer certificate. Learned Single Judge, considering the objection raised by respondent no.6 has dismissed the writ petition.

7. We have been informed that appellant no.2 has instituted a petition under Section 25 of the Guardians and Wards Act, 1890 seeking custody of the appellant no.1, which is said to be pending before the learned Family Court, West District, Tis Hazari Courts, Delhi. Since the opposition for issuance of the transfer certificate by the respondent no.1-School is being mounted by none other than the mother of the appellant no.1, who is the minor child, it will be more appropriate for the appellant no.2 to seek redressal of his grievances by instituting an appropriate application in the pending petition before the Family Court under the Guardians and Wards Act, 1890.

8. Accordingly, we are not inclined to entertain this appeal, which is hereby disposed of with the liberty to the appellant no.2 to seek appropriate relief for redressal of his grievances by moving an appropriate application before the learned Family Court concerned.

9. Since, it is stated that the appellant no.1 has not been attending any school from past four months, which cannot in any situation be said to be in his interest, we request the learned Family Judge to expedite the proceedings of the application, if it is moved on behalf of the appellant no.2, and conclude the same as early as possible.

10. The present appeal along with pending applications stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

AUGUST 31, 2026/j