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

+ **CS(OS) 1604/2012**

**MASTER ADITYA VIKRAM KANSAGRA & ANR**

..... Plaintiffs

Through Mr. A.S. Chandhiok, Sr. Adv. with  
Mr.Sanjeev Sindhwani, Sr. Adv.,  
Mr.Prosenjeet Banerjee, Ms. Mansi  
Sharma and Ms. Harleen, Advocates

versus

**MANSUKH PATEL & ORS**

..... Defendants

Through Ms. Mala Narayan, Ms. Inderjeet  
Saroop and Ms. Vridhika Mayar,  
Advocates with Defendant in person.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**31.08.2015**

Plaintiff No. 1 is the son of Plaintiff No. 2 and Defendant No. 3. Defendant Nos. 1 & 2 are grandparents of the plaintiff No. 1. Plaintiffs have filed this suit against the defendants for permanent injunction praying therein that defendants be restrained from removing the child from the lawful custody of the plaintiff No. 2 as also from Delhi; defendants be restrained from accessing the child in his School "Toddlers Train" at Sunder Nagar, New Delhi and further that Airport Authority of India, Immigration Authority of India, 'FRRO' be directed to ensure compliance of above

prayers.

During the pendency of suit visitation rights have been granted to defendants vide order dated 22.01.2013. It is pointed out that this order was passed with the consent of the parties. Defendants point out that they are also in touch with the plaintiff No. 1 through 'Skype' pursuant to the order dated 24<sup>th</sup> May, 2013.

It is brought to the notice of court that defendants have already initiated proceedings before the Family Court under the Guardianship Act which are pending. It is submitted by the learned Senior counsel/counsel for the parties that suit may be disposed of leaving the parties to fend their grievance before the Family Court.

Learned counsel for the defendant submits that appropriate application would be filed for variation of visitation rights before the Family Court.

Learned counsel for the defendants further submits that custody of the child will not be removed by any of the defendants without due process of law. It is prayed that British Passport of the plaintiff No. 1, which is lying deposited in this Court, be returned to defendants so as to get it renewed. Let passport be returned to the defendants who shall deposit it before the

Family Court after getting it renewed. It would, however, be open for the Family Court to consider the request of the parties for release of the passport, in accordance with law.

Till the disposal of the application by the concerned courts, the interim order passed by this Court shall continue.

With the consent of the parties, the suit is disposed of with the above observations.

CCP(O) 66/2013 also stands disposed of. All the pending applications are also stands disposed of as infructuous.

Dasti.

**A.K. PATHAK, J**

**AUGUST 31, 2015/hkaur**