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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 122/2015, CM APPL. No. 21043/2015**

Date of Judgment : 18th November, 2015

DEEPA CHAWLA Appellant
Through : Mr. Diwan Singh Chauhan, Advocate.

versus

RAJIV CHAWLA Respondent
Through : Mr. Mukul Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. Aggrieved by the order dated 29.05.2015 passed by the Family Court, has led to the filing of the present appeal. Since, the order is short and in fact a consent order, we deem it appropriate to reproduce the same.

“Baby Disha has been produced by the respondent. I have conversed with the child in detail and have held joint as well as private sessions with the petitioner and the respondent. Ultimately, it has been agreed that petitioner shall take baby Disha to Vaisno Devi and Shimla in the month of October, 2015 for a period of 05 days, which will be finalized by the parties. Proper care of baby Disha will be taken.

Petitioner has requested that he be permitted to take baby Disha during summer vacations to Faridabad which will take around seven hours. Petitioner has undertaken that he will take proper care of the medical advise/the prescriptions and advise of Dr. Kirti Vardhan Sahni on that date and otherwise. Baby Disha will be taken to Faridabad on

10.06.2015 from her residence around 2:00 – 2:30 p.m. and shall be dropped back around 9:00-9:30 p.m.

Application is disposed of.

A sum of Rs.5,000/- has been given. Case shall come up on 29.09.2015. Copy of the order be given dasti to both the sides.”

2. After passing of the order in the month of May, 2015, the appellant approached this court in the month of October, 2015 on the ground that if the father takes the child out of station for 5 days, it would be traumatic for the child considering the child is not spending enough time with her father even locally.
3. Upon hearing the counsel for the parties, we stayed the operation of the order dated 29.05.2015.
4. Learned counsel for the respondent submits that the mother is not permitting the father to meet the child even on occasions of such as Raksha Bandhan, Diwali and other festivals and respondent is forced to approach the Court on every occasion to seek interim custody of the child.
5. Learned counsel for the appellant submits that the child is not comfortable with the father and thus mother is forced to abide by the wishes of the child.
6. We have heard the counsel for the parties. Since, the period for which the leave was granted to take the child to Vaishno Devi and Shimla has come to an end, the present appeal has become infructuous. However, we grant leave to the respondent to make an appropriate application for interim custody of the child during the winter vacation. The Family Court will consider the application on

merits after hearing both the parties and unaffected by any observation made by us in the order passed in this appeal. We have explained to learned counsel for the parties that it would be in the fitness of the things and in the interest of the child that she should get the love and affection of her parents subject to however reasonable restrictions which the Family Court may consider after hearing both the parties.

7. The present appeal is disposed of. Leave as prayed granted.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 18, 2015

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