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

+ CM(M) 145/2016 and CM Appl. No. 5532/2016

SHANKAR SHORYA

..... Petitioner

Through :Dr. Monika Gosai, Mr. Hari Om
Yaduvansh and Mr. Anil Kumar,
Advs.

versus

JYOTI

..... Respondent

Through : Mr. Sidharth Chaturvedi, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **17.02.2016**

It is not the case that custody of the children was never given to the mother. It has been admitted that earlier also custody used to be given to the mother. However, it is submitted that custody was given for one or two days. Petitioner is aggrieved by the order of the trial court since custody of the children has been given to the mother for 10 days. Impugned order was passed on 9th February, 2016. In order to drag on the handing over custody of the children to the mother, petitioner filed a review petition before the trial court and now has come up before this Court by this petition under Article 227 of the Constitution of India. Petitioner has contended that on

22nd February, 2016 and 23rd February, 2016 medical examinations of the children have to take place in two different hospitals, before sending the children back to the hostel.

A perusal of the impugned order shows that the Family Judge, Karkardooma, Shahdara also had an interaction with the children in the court chamber before handing over the custody to the mother for ten days.

Keeping in mind that children have to undergo medical tests on 22nd February, 2016 and 23rd February, 2016 in different hospitals as is required to be done, before sending the children to hostel, period of custody is reduced. It is ordered that petitioner shall handover custody of the children to respondent mother today itself at 4 PM in the court of Principal Judge, Family Courts, Shahadra. Respondent shall handover the custody back to the petitioner at 5 PM on 21st February, 2016 at 'Haldiram' in Cross River Mall, Karkardooma, Delhi. Impugned order is modified to this extent.

Writ petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Copy of order be given dasti to parties, under the signature of Court Master.

A.K. PATHAK, J.

FEBRUARY 17, 2016/rb