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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 986/2012**
GURSHARAN KAUR & ANR

..... Petitioner

Through Mr Mir Akhtar Hussain, Adv.
versus

STATE OF DELHI & ORS

..... Respondent

Through None

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% **26.09.2016**

Crl. MA 14776/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MA 14775/2016 (for recall of order dated 13.08.2012)

This is an application for recall of the order dated 13.08.2012.

Paragraph 7 of the order dated 19.11.2014 reads as under:

“7. The above arrangement has been made by this Court on the basis of interactions that we had with the parties. This is not meant to be a permanent custodial arrangement and is designed to be purely interim till appropriate final orders are made in this regard by the concerned custody court. It is open to the petitioners to apply for such relief as is permissible in law. In the event of their doing so, it is open to the concerned guardianship Judge to deal with the entire matter on merits. The interim arrangement directed today shall continue to bind the parties till it is varied for good and valid reasons in a further interim arrangement and, in any case, it shall be subject to final orders in such proceedings. The petitioners shall ensure that the clothes, books, toys, passport, if any, old school records and other belongings of Prab Simar Singh Oberoi are handed-over to his mother, the second respondent, Ms. Shipra. K. Oberoi at the earliest and, preferably, within the course of the day so that his studies are not interrupted.

Ms. Shipra. K. Oberoi shall share all information with respect to the progress of the child with the petitioners, such as, furnishing copies of the report cards, test results etc. on periodic basis to the petitioners, preferably every month. The terms of the settlement with regard to payment of school fees of the child shall be complied with, in that, henceforth from the coming month of December onwards, they shall be borne exclusively by Ms. Shipra. K. Oberoi. The child shall not be removed from within the jurisdiction of the Indian Courts without the express permission of this Court.”

It is clear from the said observations that the arrangement made and noted in the order dated 19.11.2014 was only an interim arrangement and not meant to be permanent custodial arrangement.

Learned counsel for the applicant submits that in view of the change facts, this interim arrangement is required to be modified.

As per paragraph 7 of the order dated 19.11.2014, it is open that the father of the minor child to approach the appropriate court i.e. Guardianship Court for appropriate orders.

The application is dismissed.

Dasti.

SANJIV KHANNA, J

SUNITA GUPTA, J

SEPTEMBER 26, 2016/rd