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

+ **MAT.APP.(F.C.) 114/2016**

SANDEEP BABBAR

..... Appellant

Represented by: **Mr.Deepak Arora, Advocate**

versus

RASHI GANGWANI

..... Respondent

Represented by: **Ms.Rakhi Dubey &
Mr.D.D.Tripathi, Advocates**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.08.2016

MAT.APP.(F.C.) 114/2016

1. The appellant is aggrieved by the order dated April 05, 2016 declining interim custody of Master Madhav, aged about 12 years to him.
2. The admitted fact is that Master Madhav, then aged about 7 years was taken by the respondent with her when she left the matrimonial house. Master Madhav suffers from Attention Deficits Hyperactivity Disorder; a combined type with ODD and emotional difficulties. He is on the borderline to low average cognitive abilities. Secondary learning disabilities are appearing. His social skills are poor.
3. First reason given by the learned Judge Family Court is that under the circumstances Master Madhav requires extra attention which only a mother can give to the child.

4. Second reason is the child and the mother are in Hongkong where Master Madhav is being educated as a special child in a reputed school.
5. Third reason is that whereas appellant's monthly salary is ₹20,372/- the respondent earns 30,000 Hongkong Dollars per month. Within his means the appellant obviously cannot provide Master Madhav special education.
6. We concur with the reason and the finding returned.
7. At this stage learned counsel for the appellant desires visitation rights.
8. Since the learned Judge Family Court is still seized of the guardianship petition, the appellant may file an application for visitation rights. If filed, the learned Judge shall consider the application as per law.
9. The appeal is dismissed without any order as to costs.

CM No.22630/2016

Since the appeal has been dismissed instant application is dismissed as withdrawn.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 17, 2016

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