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

+ **MAT.APP.(F.C.) 148/2016**

MAYA SARVAN

..... Appellant

Represented by: **Mr.K.S.Khatri, Advocate**

versus

VISHAKHA SARVAN

..... Respondent

Represented by: **None**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **19.10.2016**

CM No.38300/2016

1. For the reasons stated in the application one day delay in refilling the appeal is condoned.
2. The application is disposed of.

CM No.38299/2016

1. For the reasons mentioned in the application 130 days' delay in filling the appeal is condoned.
2. The application is disposed of.

MAT.APP.(F.C.) 148/2016

1. Having perused the order dated March 29, 2016 and June 06, 2016 we find no merit in the appeal.
2. The appellant fights her daughter-in-law. As per the impugned order the husband of the appellant is not traceable. The appellant is working as a

Safai Karamchari in one of the Municipals Corporations in Delhi.

3. Appellant's son, Amit Sarvan was married to Vishakha. Out of the wedlock, a son named Master Krish was born on May 09, 2006 and a daughter named Baby Krishika was born on July 21, 2007.

4. Amit unfortunately died in a road accident on January 13, 2009.

5. Retaining custody of Master Krish, the appellant turned out her daughter-in-law with the grand-daughter i.e. the mother and daughter.

6. The mother proceeded under Section 25 of the Guardians and Wards Act, 1890.

7. The learned Judge, Family Court has been influenced by the fact that the working hours of the appellant are staggered during the day time. It has to be. As a Safai Karamchari the appellant has to perform duties early morning and late evening. The learned Judge has recorded that the interaction with the child revealed that though living with the grand-mother the child has a lot of affinity for his sister and his mother.

8. Though not written by the learned Judge Family Court, we supplement. It is in the interest of brother and a sister to stay together and brought up together.

9. The custody of the son has been directed to be handed over to the mother. The direction has since been complied with.

10. Blending equity which appellant has in her favour, the learned Judge has directed that the appellant would have visitation rights to meet Master Krish on the second and fourth Sunday of each month. It has also been directed that Master Krish would be staying with the grand-mother during the summer and winter vacations for the durations mentioned in paragraph 44 of the impugned order.

11. The appeal is dismissed.

12. No costs.

CM No.38298/2016

Dismissed.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

OCTOBER 19, 2016

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