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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1059/2016 & C.M. No.38666/2016-67/2016**

NAYANIKA THAKUR MEHTA

..... Petitioner

Through Petitioner with her counsel Mr. Anil
K. Aggarwal with Mod. Imtiyaj,
Advs.

Versus

MOHIT MEHTA

..... Respondent

Through Respondent with his counsel Dr.
Harish Uppal, Mr. Neeraj Chaudhri,
Ms. Saakshi Agarwal and Mr.
Tilleshwar Prasad, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **21.10.2016**

The petitioner is aggrieved by the order dated 05.10.2016 vide which the order for the interim custody of the child had been varied.

Record shows that the parties namely Mohit Mehta and Nayanika Thakur Mehta had been married in the year 2002. A daughter namely Manasvini was borne to them. She is presently 8 years of age. Prior to the impugned order, the grandparents of the child had four days of visitation i.e. Monday, Wednesday, Friday and Sunday. On the date of the impugned order, an application had been filed by the non-applicant/father bringing to the notice of the Court that the child after her school hours was being taken by a male servant/driver (Mohd. Raees) who used to pick her from the school

and then take her to the home. It was also brought to the notice that the child remained alone with the male servant up to the time when the mother came back from her work which was around 07:00 PM. The male driver used to drop the child for tuition at 03:00 PM and collects her from tuition and then take her to Siri Fort Auditorium for sport activities.

On the date of the impugned order, the respondent had been served but her counsel was not present as he was ill. The impugned order had permitted the dada/dadi to pick up the child from her school i.e. Modern School, Vasant Vihar and stay with her paternal grandparents till about 06:00 PM. The child would thereafter be collected by the petitioner from the grandparents' residence i.e. B-9/2, Vasant Vihar.

This order has been impugned.

Parties have been called in Chambers and in the first instance efforts for reconciliation have been made but they have not been fructified. The child was also present in Chamber. She appears to be comfortable not only with her father but also with her paternal grandparents.

It is not in dispute that the child is studying at Modern School, Vasant Vihar and the house of the paternal grandparents of the child Manasvini is also in Vasant Vihar. Accordingly, the impugned order had rightly noted that it would not be expedient to allow the male servant to pick up the child from the school and allow her to remain in his custody till the mother comes back to home; earlier also an arrangement has been made that grandparents of the child would pick

her up from school and thereafter take her for tuition; after her sport activities, the child would be picked up from their house by the mother. Today before this Court the petitioner-mother submits that the tuition which was being given to the child was from a reputed teacher and her tuition has now been changed. Learned counsel for the non-applicant/father points out that this tutor would be either from Modern School itself or from Goenka Public School or some other reputed school and since the grandparents are living at Vasant Vihar, it would be in the interest of the child that she should be given tuition in that vicinity. This Court notes this submission and appreciates it.

It is accordingly ordered that the tuition will be afforded to the child at Vasant Vihar from a reputed teacher who may either be from Modern School itself or any other reputed school like Goenka Public School. Thereafter the sport activities of the child would be at the Modern School which is in Vasant Vihar itself as it is an admitted fact that the sport activities including tennis (which sport the child was earlier playing at Siri Fort) is permitted at Modern School, Vasant Vihar as the submission of the grandparents is noted which is right to the effect that it would be difficult and cumbersome in today's traffic to take the child for tennis to Siri Fort when this sport is well available in the school premises itself.

This arrangement will accordingly continue between Monday to Friday; thereafter around 06:00 PM after the activities of the child are completed, her grandparents would drop her to her mother's house at Sarvodya Enclave as the petitioner assures this Court that she would be home by 06:00 PM.

No further orders are called for on this petition. It is disposed of.

Order dasti under the signatures of the Court Master.

INDERMEET KAUR, J

OCTOBER 21, 2016

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