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

+ **MAT.APP.(F.C.) 105/2017 & CM APPL.21414-21415/2017**

MEETA SACHDEV Appellant

Through: Ms. Indira Jaising, Senior Advocate with
Mr.Ankur Mahindro and Ms. Sonal Dangri,
Advocates with appellant in person.

versus

ASHISH BHARTI Respondent

Through: Ms. Beenashaw N. Soni, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

30.05.2017

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1. The appellant/wife is aggrieved by the impugned order dated 27.05.2017 passed by the learned Family Courts, Tis Hazari Court, Delhi disposing of an application filed by the respondent/husband for granting him interim custody of their two minor daughters for half of the summer vacations, commencing from 02.06.2017 and ending on 31.07.2017 and for release of their passports so that they can travel with him to Dubai during the summer vacations.

2. Having perused the impugned order, we are of the opinion that the same is a fairly balanced one and there is no infirmity therein for interference in appeal.

3. Ms. Indira Jaising, learned Senior Advocate appearing for the appellant states that the elder daughter of the parties has been admitted to a Summer Training Camp organized by the N.S.D., for a period of one month,

commencing from 18.05.2017 and ending on 19.06.2017 and in terms of the impugned order, the respondent has been granted interim custody of the daughters for a period one month i.e. from 03.06.2017 to 02.07.2017, which shall interfere with the sessions at the said Summer Camp. She suggests that the time schedule for the respondent/husband to get the interim custody of the daughters during the summer vacations, may be re-scheduled.

4. After some interaction with the parties, it is agreed that the training of the elder daughter, Nayssa at the Summer Camp shall not be disturbed and she shall attend the same till 19.06.2017. For the remaining period of the summer vacations i.e. w.e.f. 20.06.2017 to 31.07.2017, the parties shall equally divide their time with the children, with the respondent being entitled to their custody and to travel with them to Dubai in terms of the impugned order, w.e.f. 20.06.2017 till 09.07.2017.

5. It is clarified that the passports shall be released in favour of the respondent in terms of Para 11 (v) of the impugned order to enable him to take the custody of the children and travel to Dubai as stated above.

6. The appellant shall bring the children back as she proposes to travel to Dubai for the period of 20 days during which their custody will be with the respondent. After travelling from Delhi to Dubai, the passports of the children shall be handed over by the respondent to the appellant and the same shall be retained by her for bringing the children back to Delhi on the 9th /10th July, 2017. As the appellant has offered to bring the children back to Delhi from Dubai, we modify the directions issued in sub-para (v) of Para 11 of the impugned order. It is directed that instead of the respondent, the appellant shall submit the passports to the learned Family Court within one week of returning to India.

7. The appellant has stated that since she will travel to Dubai to bring the children back to India, the respondent may be bound down by the statement made by him before the learned Family Court and recorded in para 7 of the order dated 10.06.2017. Ordered accordingly.

8. Keeping in mind that the impugned order had granted the parties half of the summer vacations for the custody of the daughters, to compensate the respondent for the time spent by the elder daughter in the Summer Camp, he is permitted to avail of one week with the children in Delhi either from 02.06.2017 to 08.06.2017, or from 13.06.2017 to 19.07.2017.

9. It is made clear that the order passed above shall not be treated as an expression on the merits of the pending applications filed by the respondent before the learned Family Court and the learned Family Court shall be at liberty to consider all the submissions made by the parties before passing an appropriate order.

10. At this stage, we have enquired from the learned counsel for the parties, if the parties are willing to resolve their *interse* disputes through mediation particularly since a petition has been filed by the appellant for seeking divorce, which is pending before the learned Family Court. Learned counsels for the parties jointly state that several efforts of settlement have been made by the learned Family Court, the High Court, the learned Mediators, Tis Hazari Court and the Delhi High Court Mediation & Conciliation Centre during the earlier rounds of litigations, but the same have not borne any result. They however unanimously state that they are still ready and willing to submit themselves to mediation so that curtains can be drawn on the pending litigations.

11. If the parties arrive at a settlement, it is well and good, if they don't, they can still decide to resolve some of the less contentious issues through mediation which would include the visitation rights of the children and permanent maintenance for them and the appellant, so that the dispute can be narrowed down.

12. It is agreed that the parties shall appear before a Senior Mediator who may be appointed by the Secretary, Delhi High Court Mediation and Conciliation Centre, Delhi, on 04.08.2017 at 2:30 p.m. If a settlement is arrived at, the same shall be placed before the learned Family Court for binding down the parties.

13. The appeal is disposed of along with all pending applications.

14. DASTI under the signatures of Court Master.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 30, 2017

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