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

+ W.P.(CRL) 3086/2016

MEHUL JINDAL

..... Petitioner

Through Mr.Thakur Arvind Singh, Adv. with
Mr.V.K.Raghav, Adv.

versus

THE STATE(NCT OF DELHI) & ORS.

..... Respondents

Through Mr.Rahul Mehra, Standing Counsel (Crl.)
with Mr.Tushar Sannu, Adv. for the State.
Insp. Hans Raj, PS Prashant Vihar, in
person.
Ms.Sunieta Ojha, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **18.01.2017**

Petitioner has filed the present petition under Article 226 of the Constitution of India seeking a writ of Habeas Corpus. The petitioner seeks production of his 3½ years old daughter who is in the custody of respondent No.4, i.e. the mother.

Learned counsel for respondent No.4 submits that respondent No.4 has now filed a petition before the Family Court under the Guardians and Wards Act, 1890 at Bangalore where respondent No.4 is residing along with the minor daughter and the next date fixed in the matter is 14.02.2017. Learned counsel for the petitioner submits that the petitioner would appear in the matter and press for custody of the child in his favour. Counsel further submits that he would file the reply before 14.02.2017 and both parties would request the Family Court to decide the application for interim relief at the earliest.

It is agreed that the parties would adhere to the following agreed arrangement to enable the petitioner to meet the minor child. It is made clear that this arrangement is without prejudice to the rights and contentions of both the parties and also that this arrangement would remain in force till three months from 14.02.2017 the date fixed by the Family Court by which date the pleadings would be completed.

- (i) The petitioner would be entitled to speak to the minor child once a week on mobile. The petitioner would give prior intimation to the mother and upon confirmation he would call and then speak to the minor child.
- (ii) The petitioner would also be entitled to skype with the child on every alternate Saturday. The petitioner would first SMS the respondent No.4 informing her about the precise time so that both the parties remain online.
- (iii) The petitioner would also be entitled to meet his 3½ years old daughter at Bangalore once a month on 2nd Saturday between 12.00 noon to 3.00 p.m. The meeting will be under the supervision of the mother.

The petitioner also readily agrees that without prejudice to his rights and contentions, although he claims not to be employed at the moment, he will pay Rs.7,000/- per month on or before 7th day of each month in advance to the child as interim maintenance. The amount for the month of January shall be paid within one week from today. The account number and mobile number shall be provided by respondent No.4 through counsel to the petitioner within 3 days.

Both the parties through their counsel assure the Court that this arrangement will be followed in letter and spirit.

This order is subject to the variation/modification by the Family Court at Bangalore, in the presence of both the parties.

The petition is accordingly disposed of.

Dasti, to both the parties.

G.S.SISTANI, J.

VINOD GOEL, J.

JANUARY 18, 2017/ka /