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

+ W.P.(CRL) 2346/2017

NIDHI LAMBA

..... Petitioner

Through: Mr. S.S. Jauhar & Ms. Ankita Gupta,
Advocates.

versus

STATE OF DELHI & ANR

..... Respondents

Through: Inspector Rajesh Kumar, PS – Kirti
Nagar for the State.
Mr. B.K. Singh, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

24.10.2017

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1. This petition had been preferred by the petitioner – who is the mother of an infant child, against her estranged husband/ respondent No.2 to seek a direction for production of the infant child of the parties Mr. Shivay Lamba, who was 6 months old and at the time of filing of the petition, was in the custody of respondent No.2/ father.
2. The writ petition was initially listed on 18.08.2017. On the said date, respondent No.2 was also present in Court along with the child. As an interim arrangement, the infant was handed over to the petitioner/ mother to reside with her. The parties thereafter were sent for mediation. Unfortunately, the mediation has failed.
3. Considering the fact that the child is only six months old and the

petitioner is nursing the child, there is not much scope for a debate in the facts of the present case as to in whose custody the child should presently remain. It is obvious that the child needs the mother more at this stage and, therefore, it is in his best interest that he remains with the petitioner/ mother presently.

4. The respondent No.2, however, states that he is equally attached to his child whom he has brought up for about six months and he should have adequate visitation rights so that he can also contribute to the emotional and psychological needs of the child and also to maintain his association and links with the child.

5. For the present, it is agreed between the parties that the petitioner shall take the child to the Punjabi Grill, Pacific Mall, Subhash Nagar, New Delhi – which is convenient to both the parties, on every Saturday at 12:00 Noon so that respondent No.2 can spend at least two hours with the child on each such occasion. The respondent No.2 may be accompanied by his mother and sister as well and they shall also be entitled to interact and play with the child. This arrangement shall continue for the time being, and it shall be open to the parties to seek variation of the same as and when required in an appropriate Court.

6. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

P.S. TEJI, J

OCTOBER 24, 2017

B.S. Rohella