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

+ CM(M) 680/2018

PARTHA MANDAL Petitioner

Through: Petitioner-in-person

versus

PUSPALATA KUMARI Respondent

Through: Mr.Vijay Kumar Sharma, Adv. with
the respondent

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.07.2018**

1. This petition under Article 227 of the Constitution of India impugns order (dated 2nd April, 2018 in G.P. No.184/2017 of the Court of Judge, Family Court, Dwarka) of dismissal of the application of the petitioner/father for interim custody of the minor daughter aged about 1-½ years.
2. The petition came up first before this Court on 31st May, 2018 and thereafter on 1st June, 2018 when notice thereof was ordered to be issued. Though the notice is unserved with the report that the mother of the respondent refused to accept notice, but the counsel for the respondent appears and states that the address given is wrong and the respondent is residing at B-748, DDA Flats, Bindapur, New Delhi.
3. The impugned order, running into as many as 13 pages, gives detailed reasons for denying interim custody to the petitioner/father of the minor daughter and need to set out the same reasons hereinbelow is not felt.

4. Rather, it appears that the petitioner/father is out to harass the respondent/ mother and has been indulging in multifarious litigation. First, a habeas corpus petition being W.P.(Crl.) No.2184/2017 was filed. Thereafter, the guardianship case from which this petition arises, was filed. Today, the petitioner appearing in person has handed over in the Court, a copy of the order dated 17th July, 2018 in W.P.(C) No.7299/2018, also filed by the petitioner/father in the name of the minor daughter, seeking mandamus to the National Commission for Protection of Child Rights for appointing the father or the paternal grandmother of the minor daughter as her caretaker and which petition was also dismissed on 17th July, 2018. It is quite obvious that the petitioner/father is indulging in bench hunting by invoking jurisdiction of all possible benches in all possible jurisdictions which can be availed of.

5. It also appears that the petitioner/father has a fertile imagination; he has made bald allegations against the respondent/mother.

6. Even in this petition allegations about the moral character of the respondent/mother have been made and qua which the Family Court has in the impugned order already held that there is no basis whatsoever. Allegations have also been made that the respondent/mother wants to put the daughter aged 1-½ years into prostitution. The Family Court, in the impugned order, has held that the respondent/wife is employed as a teacher in a government school and the counsel for the respondent today also, on enquiry, states that the respondent/wife is a Trained Graduate Teacher employed with the Government of NCT of Delhi. The petitioner also confirms the same.

7. The petitioner in person today, has only drawn attention to the order dated 1st August, 2017 of dismissal of the Habeas Corpus Petition and to order dated 17th July, 2018 in W.P.(C) No.7299/2018 supra, though dismissing the petitions but observing that the Guardianship Judge may consider the application as expeditiously as possible. The petitioner states that dates are being given by the Guardianship Court.

8. I have cautioned the petitioner that if the petitioner indulges in making such bald, baseless allegations in the proceedings, he is the one who is responsible for delaying the same. Moreover, the Guardianship Court has already decided the application of the petitioner for interim custody and it is now not open to the petitioner to take a march over others whose cases are pending before the Family Court. Even otherwise, the petitioner from his conduct has disentitled himself from any equitable relief.

9. The petition is thus dismissed. The petitioner however, if so desires, may apply to the Family Court for visitation rights to his minor daughter.

RAJIV SAHAI ENDLAW, J

JULY 23, 2018
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