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

+ **CM(M) 685/2018 & CM APPL.24150/2018**

PRAKASH PRASHANT SAHNI

..... Petitioner

Through: Mr. Prosenjeet Banerjee and Ms. Shreya Singhal, Advocates (M-9811747392) with Petitioner in person.

versus

DEVIKA MEHRA

..... Respondent

Through: Mr. Prabhjit Jauhar, Ms. Upasana Goel and Ms. Rosemary Raju, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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04.06.2018

Parties have been heard in this petition. The Petitioner is aggrieved by the order dated 28th May, 2018 passed by Principal Judge, Family Courts, Patiala House Courts by which the matter was adjourned to 28th June, 2018 before the Vacation Judge. Submission of the Petitioner is that resultantly the Petitioner - father is being deprived of getting to meet his children during the entire summer vacation. According to the Petitioner, since the year 2006, continuously, for every summer vacation, the Petitioner and Respondent have travelled with the children for vacations to the U.K. Since the separation happened on 5th August, 2017, between the Petitioner and Respondent during this summer vacation, in view of the order passed by the learned Family Court, the Petitioner is being deprived of the company of his children.

Learned counsel for the Respondent submits that Petitioner has been

travelling together with the children for so long as the Petitioner and Respondent were living together. However, the Respondent has now taken the children and gone for a holiday.

The matter was heard in the morning and passed over to enable the Respondent to take instructions as to whether the children can be brought for interaction with the Family Court, before the Court proceeds for summer vacations. Learned counsel for the Respondent submits that the Respondent would bring back the children and appear before the Family Court on 7th June, 2018.

The children namely Prithvi and Pradeep are 10 and 12 years of age and they are studying in Vasant Valley School, which is likely to open on 4th July, 2018. Since the children, at the moment, are in the custody of the mother, the Family Court would interact with the children on 7th June, 2018 and also pass orders in respect of the father spending time with the children during summer vacation. The Family Court shall consider the Petitioner's application under Section 12 of the Guardians and Ward Act, including the prayer for visitation during summer vacations, keeping in mind, the right of the father to interact and spend time with the children as per settled law.

The Respondent shall ensure that both the children are present before the Family Court on 7th June, 2018.

Petition and pending applications are disposed of in the above terms.

Dasti.

PRATHIBA M. SINGH, J.
(VACATION JUDGE)

JUNE 04, 2018

dk/Rekha