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

+ **MAT.APP.(F.C.) 208/2018**

SHOBHA GHANDWAL Appellant

Through: Ms Radhika Mittal, Adv

versus

ANIL K GHANDWAL Respondent

Through: appearance not given.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **27.08.2018**

CM No. 33847/2018 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

MAT.APP.(F.C.) 208/2018 and CM No. 33848/2018 (stay)

The appellant is aggrieved by the order dated 28.07.2018 passed by the Family Court. Counsel for the appellant, on instructions, from the appellant who is present in court submits that detailed arguments had taken place but the Family Court has not noticed the submissions made on her behalf.

We have heard the counsel for the appellant and the appellant.

The order of the Family Court reads as under:-

“Ld. Counsellor has agreed to hold psychological assessment of the minor child. Both the parties consented to the same. Ld. Counsellor stated that she will hold the counselling session of the minor child at her Malviya Nagar

Centre on every Tuesday and Thursday after school hour and parents can bring the child for counselling for which she will not charge any amount. She stated that she will submit her report after at least six sittings with minor child.

It is directed that till further order, minor child will remain with mother/respondent from Saturday (after school hour) to Monday 7:00 PM and with father from Monday 7:00PM to Saturday morning and in case Saturday happens to be school holiday of child, petitioner will drop the minor child at the house of respondent at 11:00 AM on Saturday. Respondent stated that she will pick the minor child from the school of child after school hour on Saturday and will inform the petitioner well in advance through SMS.

Put up for further proceedings on 14.09.2018.”

Reading of the order would show that the counsellor had agreed to hold psychological assessment of the minor child to which both the parties consented. The order would also show that the matter was adjourned to 14.09.2018 for further proceedings. It also seems that before passing a final order the Court wanted to have the benefit of the assessment of the child by the Counsellor.

Today counsel for the appellant has levelled some very serious allegations against the husband-father of the minor child. Counsel for the appellant submits that these submissions were made but the same were not considered by the Family Court.

Having regard to the nature of the allegations, it would be in fitness of things that the appellant should seek a review of the order if so advised. However, along with application for review the appellant and the counsel who appeared in the matter must file their personal affidavits deposing that the allegations pertaining to the sexual harassment of the child were made before the Family Court but the same was not dealt with.

We make it clear that we have not expressed any opinion on the merits of the matter. We also make it clear that in case the appellant is aggrieved by the order so passed, it would be open for the appellant to take such steps as available in accordance with law.

With the aforementioned directions, the appeal and the pending application are disposed of.

Dasti.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 27, 2018 / SU