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

+ CM(M) No.999/2018

RAHUL GOYAL

..... Petitioner

Through: Petitioner in person.

versus

PRATIBHA GOYAL

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.08.2018**

CM No.34590/2018 (for exemption).

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) No.999/2018.

3. This petition under Article 227 of the Constitution of India impugns the order [dated 1st August, 2018 in GP No.12/17/2014 of the Court of Judge, Family Courts (West)] of disposal of an application filed by the petitioner father, in a proceeding for guardianship of the son aged about 10 ½ years, for examination of the two Psychologists by whom the child was got examined by the petitioner father.
4. The petition has been filed by the petitioner father in person and the petitioner father present in the Court has been heard in person. He has in proof of his identity shown his Aadhaar Card and the Court Master confirms that the photograph and the name on the Aadhaar Card is that of the person present as the petitioner. Photocopy of the said Aadhaar Card has been taken on record and the original returned.

5. The Family Court has disposed of the application recording that there is no need for examination of the two Psychologists because of the statement of the counsel for the respondent mother that the sanctity of the report of the Psychologists available on record was not being questioned and there was thus no necessity for calling the said Psychologist to the Court.

6. The petitioner father however draws attention to the following sentence:-

“However, they reserve their rights for submitting their submission on the merit/appreciation of the reports”

and contends that the said sentence qualifies the statement in the earlier sentence, of the sanctity of the reports being not questioned by the respondent mother.

7. In my view, once the counsel for the respondent mother has made a statement that the respondent mother is not questioning the sanctity of the report, the following statement that the respondent mother was reserving the right for making submission on the merit/appreciation of the reports will entitle the respondent mother only to argue that the document does not report what the petitioner father contends it to be reporting and the respondent mother will not be entitled to contend that the report has not been proved. That can be the only inference from a reading of the order, as otherwise no reasons have been given for not allowing the Psychologists to be examined by the Court.

8. The petitioner father has also contended that the respondent mother, on an earlier occasion took a plea that the report had not been proved.

9. However, in view of the unequivocal statement and the meaning thereof as aforesaid, as made by the counsel for the respondent mother on 1st August, 2018, the earlier statement if any is of no avail.

10. No merit is thus found in the petition.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 27, 2018

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