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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1022/2018
RAMNEEK JAIN Petitioner
Through: Ms. Sunieta Ojha, Adv.

versus

PUJA SAKUJA JAIN Respondent
Through: None

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.08.2018**

CM No. 35478/2018 (for exemption)

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

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3. This petition under Article 227 of the Constitution of India seeks (i) time bound disposal of the application under Section 12 of the Guardians and Wards Act, 1890 filed by the petitioner father in Guardianship Case No. 194/2017 under Sections 7 & 10 of the said Act for appointment as guardian and for custody of the minor son of the parties; (ii) a direction to the respondent mother to produce the child before this Court and interim orders for access and visitation; (iii) framing of Child Access and Custody Guidelines and Parenting Plans to be used as a standard procedure by the Family Court across National Capital Territory of Delhi.

4. As far as the first of the aforesaid reliefs is concerned, the counsel for the petitioner, on being requested to show the order-sheet concerning the

application under Section 12 of the Guardians and Wards Act, for time bound disposal of which direction is sought, has drawn attention to pages 32 to 35 of the paper book. A perusal whereof shows (i) that the application came up first before the Family Court on 20th March, 2018 when the main petition was not listed and notice of the application was ordered to be issued for 25th April, 2018 when the main petition was listed; (ii) that on 25th April, 2018, the counsel for the respondent mother filed reply to the application and the counsel for the petitioner father sought time to file a rejoinder thereto; the respondent mother was also directed to produce the child on 19th May, 2018 and 2nd June, 2018 at Children's Room in order to enable the petitioner father to have meeting with the child from 3 pm to 5 pm and the application was adjourned to 7th July, 2018; and, (iii) on 7th July, 2018, the proxy counsel for the petitioner father appeared and sought adjournment for filing rejoinder to the application under Section 12 and accordingly the proceedings were adjourned to 15th September, 2018. A litigant who is himself found wanting and taking adjournments before the trial court, cannot approach this Court in exercise of jurisdiction under Article 227 for time bound disposal of his/ her case. It cannot be lost sight of that direction for expeditious/ time bound disposal in one case is always at the cost and prejudice of other cases pending before the trial court which may be of earlier vintage than the subject case. It is only in deserving cases and where the petitioner is found to be diligent that such a direction can be made. It is also not as if the petitioner father has approached this Court immediately after 7th July, 2018. This petition itself has come up today for the first time,

after more than one and a half month of 7th July, 2018. Thus, no case for granting first of the aforesaid reliefs is made out.

5. As far as the second relief claimed is concerned, the application under Section 12 for interim custody is still pending before the Family Court and this Court cannot, in exercise of jurisdiction under Article 227, appropriate jurisdiction to itself to adjudicate for the first time matters for adjudication whereof the court from which this petition arises has been vested with jurisdiction.

6. As far as the third of the aforesaid reliefs is concerned, the same is in the nature of a Public Interest Litigation (PIL) and the petitioner, if at all has a cause of action therefor, has to file a PIL.

7. There is no merit in the petition.

Dismissed.

RAJIV SAHAI ENDLAW, J

AUGUST 31, 2018

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