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

+ CM(M) 1161/2018

SANJEEV SHARMA Petitioner

Through: Mr. Aditya Aggarwal, Adv.

Versus

LALITA SHARMA Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.09.2018**

CM No.39352/2018 (for exemption)

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

CM(M) 1161/2018

3. This petition under Article 227 of the Constitution of India seeks directions for expeditious disposal of G.P.No.55/2017 (of the Court of Judge, Family Court, North-West) filed by the petitioner under Section 25 of the Guardians and Wards Act, 1890 seeking custody of the five years old son of the petitioner and the respondent.
4. I have perused the order sheet of the Family Court and heard the counsel for the petitioner.
5. Though the Family Court appears to have given several adjournments for filing the written statement and reply to the application for interim custody, without recording the reasons and merely observing that the reasons on account of which adjournments were being given had been disclosed in the Court, but otherwise it is felt that the delay in the

proceedings till now is attributable more to the Presiding Officer of the Family Court being on leave on two of the dates when the matter was listed.

6. Else, it is not the case that the petitioner has been discriminated against vis-à-vis other cases pending before the Family Court and which must be suffering the same fate on account of the Presiding Officer being on leave. Just because the petitioner can afford to approach this Court in its supervisory jurisdiction would not justify the petitioner getting any precedence over others whose cases are listed before the Family Court and some of which cases may be of earlier vintage than the case of the petitioner which came up first only on 13th September, 2017.

7. No other ground as purported to be made out, for urgency, is found to have been made out.

8. It is also found that the proceedings before the Family Court are listed next tomorrow itself i.e. 26th September, 2018. It will be open to the petitioner to express the urgency if any before the Family Court and it is expected that the Family Court will deal with the matter as per the exigencies.

9. With the aforesaid, the petition is disposed of.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 25, 2018

‘gsr’..