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

+ **CM(M) 1834/2019**

NOORI BATRA

..... Petitioner

Through Mr Prag Chawla, Mr Jaspreet Kaur,
Advocates.

versus

ADITYA BATRA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **27.12.2019**

CM APPL. 55878/2019

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

CM(M) 1834/2019 & CM APPL. 55877/2019

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 23.12.2019 (hereafter 'the impugned order') passed by the Principal Judge, Family Courts (West) in G.P. No. 14/2018 captioned *Aditya Batra v. Noori Batra*.

4. By the impugned order, the learned Family Court has directed that the custody of the minor daughter of the parties be handed over to the respondent, on each day from 25.12.2019 to 29.12.2019 from 10.00 a.m. to

2.00 p.m.

5. There is no dispute that the respondent is the father of the child in question. The petitioner states that notwithstanding the same, the custody of the child ought not to have been granted to the respondent because he had abandoned the petitioner and the minor child for a period of one year and had not even enquired about their welfare.

6. There are matrimonial disputes between the parties, however, the same cannot be a ground for not granting temporary custody to the respondent. This Court is also not persuaded to accept that the impugned order can be faulted on the ground that that the respondent had not visited the child for a period of one year.

7. Admittedly, the respondent had been granted visitation rights and he has been visiting the child, albeit, in the presence of the petitioner. The learned Family Court had rightly noted in the impugned order that the welfare of the child is paramount. The learned judge had also interacted with the child and found that the child was comfortable in the company of her father. The impugned order was passed by the court after satisfying itself that the same was in the interest of the child in question.

8. Indisputably, the child must have the benefit of the love and affection of both the parents. It is essential, wherever feasible, to evolve an appropriate parenting plan entailing joint custody of the child. It is seen that the Family Court has, in the first instance, granted limited custody of the child to the respondent. This court finds no infirmity with the impugned order and finds no reason to interfere with the same.

9. The petition is unmerited and is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

DECEMBER 27, 2019
pkv