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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 323/2019, C.M. Appl.No. 53347/2019**
NOORI BATRA

..... Appellant

Through: Ms. Jaspreet Kaur, Advocate

versus

ADITYA BATRA

..... Respondent

Through: Nemo

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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11.12.2019

C.M. Appl.No. 53347/2019 (Exemption)

Exemption allowed subject to all just exceptions.

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1. The matter was passed over on the first call at the request of the proxy counsel appearing for the appellant. Even on the second call, learned proxy counsel appearing for the appellant requests for a pass over. We decline to grant a second pass over.
2. We have requested the counsel appearing for the appellant to address arguments on the maintainability of the present appeal filed under Section 19 of the Family Courts Act, as it is directed against an interim order. The order dated 30.11.2019 was passed by the Principal Judge, Family Court on an application moved by the respondent/husband under Section 12 of the

Guardians and Wards Act read with Section 151 CPC seeking temporary custody of his minor daughter in the care and custody of the appellant/wife on the ground that his cousin brother was to get married and the marriage ceremonies were to take place on 1st and 2nd December 2019. The said application was allowed by the Family Court with permission granted to the respondent/husband to take the child from the residence of the appellant/wife on 1st and 2nd December 2019 at 2 PM and 7 PM respectively and return her at the end of the day on both days.

3. A perusal of the record reveals that the appellant/wife did not comply with the said order. The respondent/husband filed an application before the learned Family Court praying that despite the order of the court, the appellant/wife had deliberately deprived him of the custody of the minor daughter, therefore, the SHO of the area be directed to deliver the custody of the child to him. The Family Court had declined this prayer observing that such precipitative action may be traumatic for the child. As regards disobedience of the order of the court, the matter was directed to be taken up on 13.12.2019, for appropriate orders.

4. In the above background, we are of the opinion that even on the merits, nothing further survives for consideration in the present appeal. When the appellant/wife has chosen to flout the order dated 30.11.2019, passed by the learned Family Court, it is now for her to satisfy the Family Court as to the reasons for non-compliance of the said order, which she may do on the next date fixed in the matter, i.e., 13.12.2019.

5. The present appeal is disposed of as not maintainable.

HIMA KOHLI, J

ASHA MENON, J

DECEMBER 11, 2019

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