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

+ **MAT.APP.(F.C.) 266/2019 & C.M.Applns.45314-16/2019**

**SHAKIR**

..... Appellant

Through: Mr.Naushad Alam, Advocate with  
appellant in person

versus

**SHABANA SHAHIN**

..... Respondent

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

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**15.10.2019**

1. The appellant/father is aggrieved by the judgment dated 27.04.2019, passed by the learned Judge, Family Court, North-East District, Karkardooma Courts rejecting a petition filed by him under Sections 7 & 8 of the Guardians and Wards Act, 1890, for declaring him as the Guardian of an 11 year old child, born from the wedlock with the respondent and for grant of permanent custody of the said minor child.
2. By the impugned judgment, the learned Family Court has dismissed the petition filed by the appellant/father by observing that he has failed to establish that the respondent was never interested in the birth of the child and had not taken care of the child when she was living in the matrimonial home or that she had got remarried to one Mohd. Imran, who was having two children from his first marriage and the second husband was not favourably inclined to the minor child.

3. After addressing arguments at some length, Mr. Naushad Alam, learned counsel appointed by the Delhi High Court Legal Services Committee to appear for the appellant/father, states on instructions that the appellant/father does not wish to press the present appeal. Instead, he reserves the right of the appellant/father to approach the Family Court for seeking visitation rights in respect of the minor child.

4. Leave as prayed for is granted. The present appeal is disposed of alongwith the pending applications. Needless to state that if the appellant/father does approach the Family Court for seeking visitation rights in respect of the minor child, the said application shall be considered and decided in accordance with law, uninfluenced by the observations made in the impugned judgment insofar as they relate to the permanent custody of the child.

**HIMA KOHLI, J**

**ASHA MENON, J**

**OCTOBER 15, 2019/s**