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

+ W.P.(C) 5519/2019

ROHIT PATTHAK

..... Petitioner

Through: Ms Mallika Rajkotiya, Mr Sudershan Ray and Ms Aakriti Tyagi, Advocates.

versus

STATE & ANR

..... Respondents

Through: Ms Charu Ambuani, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.05.2019

CM No.24256/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 5519/2019 & CM No.24257/2019

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “(i) Direct the State Government to appoint the presiding officer in the court of the Sh. Sanjay Garg, Ld Principal Judge Family Court South East;
- (iii) Extend the visitation order dated 16/03/2019 passed by the Sh. Sanjay Garg, Ld. Principal Judge Family Court South East;
- (iv) Direct the Ld. Principal Judge Family Court to dispose of the interim custody within 15 days from the date of order passed by the Hon’ble High Court.

- (v) Allow Petitioner to travel along with the minor child for summer vacation.
- (vi) Restrain Respondent to remove the child from the local jurisdiction of New Delhi.”

3. Insofar as the prayer for the appointment of a Presiding Officer of the Family Court is concerned, this Court is given to understand that the Presiding Officer would be appointed shortly. However, since, it is stated that in the meanwhile, the petitioner would require certain urgent orders, this Court considers it apposite to allow the request made by the learned counsel appearing for the petitioner for transfer of the matter from the Court of learned Principal Judge, Family Court, South East District to the court of the Principal Judge, Family Court, South District.

4. The petitioner also seeks that, being a father, he be allowed to take his minor child who is currently in the custody of respondent no.2 (the mother), for a summer vacation. This Court does not consider it apposite to grant the said prayer at this stage since this Court has not examined any of the rival contentions. However, since an apprehension is expressed that the child may be developing hostility towards his father, this Court considers it apposite to direct the parties to appear before Ms Swati Shah, Counsellor, attached to the Delhi High Court Mediation and Conciliation Centre on 23.05.2019 at 6:00 PM for an amicable solution. The counsellor shall in the first instance determine whether it would be apposite for the father of the child to be permitted to take him on a vacation. It is clarified that the only aspect required to be considered would be the welfare of the child. An interim report in this regard should be furnished by the Counsellor to the concerned Court (Court of Principal Judge, Family Court, South District) on or before

03.06.2019.

5. The parties are directed to appear before the concerned Family Court on 04.06.2019.

6. The petition is disposed of in the above terms. The pending application is also disposed of.

7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MAY 20, 2019

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