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

+ CM(M) 194/2020

KARAN SETHI

..... Petitioner

Through: Ms.Sudershani Ray, Adv.

versus

JAIMEET SETHI

..... Respondent

Through: Mr.Aneeph Sharma, Mr.Dinesh
Khatri & Mr.Dheeraj Pandey, Advs.
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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17.02.2020

CM No.6408/2020 (Exemption)

Allowed, subject to all just exceptions.

CM(M) 194/2020

This petition has been filed by the petitioner praying for a direction to the learned Family Court, North West, Rohini Court to expedite the disposal of the petition being GP No. 75/2019 filed by the petitioner under Section 25 and 7 of the Guardians and Wards Act, 1890 read with Section 13 of the Hindu Minority and Guardianship Act, 1956.

It is the case of the petitioner that the above petition was filed before the learned Trial Court on 16.12.2019 alongwith an application under Section 12 of the Guardians and Wards Act, 1890 (hereinafter referred to as the 'Act'). Thereafter an application was filed by the petitioner seeking direction from the learned Trial Court regarding the visitation rights during the birthday celebration of the child. The child is six years old. While allowing the application for the birthday celebration, the learned Trial Court

has listed the petition on 12.05.2020.

The learned counsel for the respondent, who appears on advance notice, submits that the petition filed before the learned Trial Court is in abuse of process of the Court inasmuch as the petitioner has filed petitions seeking similar relief before the learned Principal Judge, Family Court, Jammu. In a transfer petition filed by the respondent, being Transfer Petition (Civil) No. 2368-2369/2019, the Supreme Court vide its order dated 03.10.2019, was pleased to stay the further proceedings in the said case.

I have considered the submissions made by the learned counsels for the parties.

Keeping in view the age of the child, it is imperative that the learned Trial Court considers the applications filed by the petitioner under Section 12 of the Act expeditiously. In such consideration the objections of the respondent shall remain open and be also considered.

In view of the above, the learned Family Court is directed to prepone the date of hearing of the application under Section 12 of the Act filed by the petitioner. The same be listed before the learned Family Court for further direction on 28th February, 2020.

The present petition is disposed of in the above terms.

Dasti, under the signature of the Court Master.

NAVIN CHAWLA, J

FEBRUARY 17, 2020/rv