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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 12th June, 2020
+ **CM(M) 349/2020 & CM APPL. 11060/2020**

PANKAJ JAIN

..... Petitioner

Through: Mr. Prosenjeet Banerjee & Mr.
Rishabh Bansal, Advocates along
with Petitioner in person.

versus

PARUL JAIN

..... Respondent

Through: Ms. Malvika Rajkotia & Mr.
Ramakant Sharma, Advocates along
with Respondent in person.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been held by video-conferencing.
2. The present petition has been filed by Mr. Pankaj Jain seeking interim custody of his minor daughter. The marriage between Mr. Pankaj Jain and Ms. Parul Jain was solemnised on 22nd April, 2006 and they were blessed with a daughter in 2013. However, matrimonial disputes arose between the parties, and a guardianship petition was filed in 2018. The matter has pending in the Family Court and a Ld. Division Bench of this Court has also passed orders in the past.
3. During the current lockdown due to COVID-19, since the matter could not be heard and the daughter did not visit the Petitioner, an application was filed through e-filing on 8th May, 2020 before the Family Court seeking custody for the summer vacations. The same was however not accepted and the matter was not listed before the Family Court due to the

COVID-19 lockdown. Under these circumstances, the present petition was filed before this Court.

4. On 19th May, 2020, after hearing ld. counsels for the parties, this Court had, after considering the past orders by the Family Court including the interaction with the daughter by the Presiding Officer, directed that the Petitioner would be entitled to pick up the child on the weekend. A similar order was passed subsequently on 28th May, 2020. Thus, during the pendency of the petition, the minor child has visited her father and his family on two occasions.

5. Both ld. counsels for the parties confirm that the Family Court has now started sitting regularly and applications are being listed and are being taken up for hearing via video conferencing.

6. Considering the above position, the following directions are issued:

- i) The application filed by the Petitioner before the Family Court seeking interim custody/visitation during the summer vacation shall be taken up by the Presiding Officer of the Family Court on 18th June, 2020;
- ii) The hearing shall be held through video conferencing;
- iii) The pleadings in this petition have been completed, and in order to ensure that no further delay is caused in this matter for completion of pleadings, the electronic record of this petition including the reply and rejoinder, as also the documents be transmitted to the Family Court. Parties are permitted to address their submissions before the Family Court *inter alia* including on the basis of the pleadings filed herein;
- iv) The Family Court, after hearing the matter, shall dispose of the

application before 30th June, 2020.

In the meantime, the arrangement which was directed by this Court on the last two occasions shall continue for the weekends of 13th June, 2020 and 27th June, 2020. The Petitioner is accordingly permitted to pick up the child from his wife's residence on Saturday 13th June, 2020 at 10:00 am and drop the child back on 15th June, 2020 at 10:00 am. Similarly, the Petitioner would be permitted to pick up the child on 26th June, 2020 at 10:00 am and drop the child back on 28th June, 2020 at 6 pm.

7. The above arrangement shall be without prejudice to the contentions of the Respondent that due to the conduct of the Petitioner, he is not entitled to any visitation, let alone interim custody of the child. Similarly it is without prejudice to the contentions of the Petitioner that he is entitled to longer visitation and interim custody.

8. The petition is disposed of in the above terms. All pending applications are also disposed of. Registry to transmit the electronic record of this Petition to the Court of Mr. V.K. Bansal, Addl. Principal Judge (West), Family Court, Tis Hazari, Delhi hearing G.P. No. 54/2018 titled *Pankaj Jain v Parul Jain*.

PRATHIBA M. SINGH
JUDGE

JUNE 12, 2020
Rahul