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

+ **CM(M) 360/2020**

RAFID CHACHRA

..... Petitioner

Through: Mr.Rattandip Singh, Adv.
alongwith petitioner in person

versus

RAJINDER KAUR

.... Respondent

Through: Mr.S.L. Bhatia, Adv. alongwith
respondent in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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09.06.2020

This hearing has been held through video conferencing.

CM No.12076/2020 (Exemption)

Allowed, subject to all just exceptions.

CM Nos.12077-78/2020 (Exemption from filing notarized affidavit and affixing of court fee)

1. These applications have been filed seeking exemption from filing duly notarised affidavit and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.
2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.
3. The applications are disposed of.

CM(M) 360/2020

1. This petition has been filed by the petitioner praying for the interim custody of the minor child in compliance with the order dated 20.09.2019 passed by the learned Family Court in G.P No.14/2017.
2. By the above order, the learned Family Court had *inter-alia* allowed the petitioner visitation rights for the first ten days of the summer vacation of the child. The petitioner and his mother were to pick up the child on 25.05.2020 at 6.00 p.m. and drop the child back after the expiry of a period of ten days on 04.06.2020 at 6.00 p.m. to the place of the respondent.
3. The grievance of the petitioner is that while the petitioner and his mother went to pick up the child from the residence of the respondent, the respondent did not allow the child to be taken.
4. The learned counsel for the respondent, who appears on advance notice alongwith the respondent in person, submits that due to the ongoing Covid-19 pandemic and the child suffering from a skin disease, there was an apprehension in the mind of the respondent that it may not be safe for the child to venture out. However, he fairly submits that the child can be taken by the petitioner on Friday, that is, on 12.06.2020 at 6.00 p.m. from the house of the respondent. He submits that as the child continues to suffer from the skin disease, the petitioner may be directed not to take the child out of the residence of the petitioner during the period of custody.
5. The petitioner, who also appears in person, submits that the petitioner is aware of the risk involved in taking the child out of the house during the ongoing pandemic and would certainly be cognizant of the risk involved and would not be taking out the child to any mall/restaurant

while the child is in his custody.

6. In view of the above, it is directed that the petitioner alongwith his mother would be entitled to pick up the child from the residence of the respondent on 12.06.2020 at 6.00 p.m. The child shall thereafter remain in the custody of the petitioner till 22.06.2020, on which date the petitioner shall return the child back to the respondent at her place of residence at 6.00 p.m.

7. The learned counsel for the respondent further submits that the respondent has filed an application seeking review of the order dated 20.09.2019 passed by the learned Family Court. The above arrangement is made without prejudice to the rights and contentions of the respondent in the said application.

8. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

JUNE 09, 2020/Arya