

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

% Judgment delivered on: 23rd June, 2020

+ CM(M) 362/2020 & CM APPL. 12369/2020 (ex-parte
directions granting interim custody)

PRATIBHA GOYAL

..... Petitioner

versus

RAHUL GOYAL

..... Respondent

Advocates who appeared in this case:

For the Petitioners: Ms. Nidhi Mohan Parashar, Advocate with petitioner in person.

For the Respondents: Respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. During the hearing, the Court had private interaction with the child through video conferencing.
3. Petitioner seeks setting aside of order dated 02.06.2020 and seeks granting of interim custody of the minor child for summer vacation or upto continuation of the Lockdown.
4. It is contended by learned counsel for the petitioner that there were visitation rights granted to the petitioner as well as interim

custody during summer vacation. However, in view of the Lockdown position, the interim custody and summer vacation visitation rights which were granted, could not take place.

5. Alternatively, Petitioner seeks a direction to the Trial Court to finally dispose of the Guardianship Petition No. 6/2019 pending between the parties.

6. The Respondent submits that he has no objection to the Guardianship Petition being disposed of finally by the Trial Court

7. Keeping in view of the facts and circumstances and also the fact that several applications and proceedings have been filed by the parties during pendency of the Guardianship Petition before the trial court as well as before the High Court and several interim arrangements have been made, I am of the view that it would be in the interest of justice if the Guardianship Petition is finally disposed of on merits.

8. It is informed that the evidence of the parties is already over and even the written submissions have been filed and only the oral arguments have to be addressed.

9. Respondent submits that in view of the Lockdown position, he has not been in a position to approach the trial court for obtaining the testimony of some of the witnesses which are not available in his records.

10. In view of the above, the concerned trial court is directed to have the entire record digitised and thereafter furnish a digitised copy of the record to learned counsel for the petitioner as well as the respondent by e-mail free of cost.

11. After the record is supplied, the parties shall file supplementary written submissions, if any, within two weeks of the receipt of the digitised copy of the record of the trial court. Thereafter, the trial court shall finally dispose of the Guardianship Petition after given an opportunity to the parties to address oral arguments. Trial court shall endeavour to dispose of the entire proceedings by 31.08.2020.

12. During Pendency of the Guardianship Petition, the interim arrangement as directed by this Court by order dated 30.10.2015 in CM (M) 974/2015 shall continue to be abided by the parties. However, in for a period of two weeks from today, no physical visitation rights would be permitted to the petitioner and petitioner shall continue to speak to the child over video conferencing everyday for one hour and thereafter the interim arrangement as stipulated by order dated 30.10.2015 shall be complied with by the Parties. However, this will be subject to the pandemic situation and the Lockdown position in and around the respective residence of the parties.

13. The petition is disposed of in the above terms.

14. List for reporting compliance and to assess the position with regard to the interim arrangement on 10.07.2020.

15. Copy of the order be uploaded on the website and be also forwarded to the parties through email.

JUNE 23, 2020
'rs'

SANJEEV SACHDEVA, J

