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

+ **W.P.(CRL.) 1343/2020**

NAVJOT KAUR

....Petitioner

Through: **Mr. Dhananjay Singh Sehrawat and
Ms.Sonia Rana, Advocates along with
petitioner in person**

versus

STATE (GNCTD) & ORS.

....Respondents

Through: **Mr. Chaitanya Gosain, Advocate for
Mr. Rahul Mehra, Standing Counsel
(Criminal) for the State
SI Navneet Kumar, P.S. Nihal Vihar
and SI Ramesh, P.S. Nihal Vihar
Mr.Charanjeet Singh, respondent
No.4 in person.**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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01.09.2020

1. The hearing has been conducted through video conference.
2. The petitioner is seeking custody of her minor daughter baby Gursheen aged about 23 months from her husband (respondent No.4).
3. The petitioner as well as respondent No.4 are present through video conference. Respondent No.4 has also produced baby Gursheen through video conference.
4. The petitioner and respondent No.4 were married on 11th December, 2016.

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Signing Date: 02.09.2020
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5. According to the petitioner, respondent No.4 compelled her to stay with her parents and therefore, she went to parents house on 26th June, 2020 whereas according to respondent No.4, the petitioner deserted him on 26th June, 2020.
6. According to the petitioner, respondent No.4 took the minor daughter on 30th July, 2020 and promised to return back in the evening which is disputed by respondent No.4 who submits that the petitioner herself left the daughter with the petitioner on 30th July, 2020.
7. Respondent No.4 submits that his residence and the residence of the petitioner's father, where petitioner is staying, are in the same locality at a distance of about 1 KM. It is submitted that after respondent No.4 left the matrimonial home, he requested her to let the minor daughter live with the grandmother during the day time and in the evening he will return back the child to the petitioner and this arrangement continued for about 4 days. Respondent No.4 submits that he welcomes the petitioner back to the matrimonial home. He further submits that he is also ready for the joint custody of the minor child in the manner child can stay with the grandmother during the day at the residence of respondent No.4 and in the evening he will return back the child to the petitioner.
8. This Court is of the view that the differences between the parties can be gracefully resolved through mediation.
9. List before Delhi High Court Mediation and Conciliation Centre on 03rd September, 2020 at 3.00 P.M.
10. Respondent No.4 shall permit the petitioner to talk to the minor

child by video call on the mobile everyday in the evening between 7.00 P.M. and 7.30 P.M.

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

12. If the matter is not resolved through mediation, the petitioner would be at liberty to avail appropriate legal remedies to seek the custody of the minor child in accordance with law.

13. List for placing the mediation report before this Court on 11th September, 2020.

14. If the parties agree to share the custody of the minor child as suggested by respondent No.4, this Court shall record the undertaking of both the parties.

15. Copy of this order be sent to Mediation Centre through *e-mail*.

16. The order be uploaded on the website of this Court forthwith.

J.R. MIDHA, J.

BRIJESH SETHI, J.

SEPTEMBER 01, 2020

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