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

Reserved on:06.09.2021

Date of decision:09.09.2021

+ CM(M) 410/2021 & C.M. Nos.19248/2021, 24766/2021, 26054/2021
DEVIKA MEHRA Petitioner

Through Mr.Jayant Mehta, Sr. Adv. with Ms.
Tara Narula, Ms.Nupur Agrawal, Mr.Pranay
Chitale, Mr.S.Debabrata Reddy Advs.
Petitioner in person.

versus

PRASHANT PRAKASH SAHNI

..... Respondent

Through Mr. Prashant Mendiratta with
Mr.Jasmeet S Chadha, Advs.
Respondent in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J

JUDGMENT

1. By this petition under Article 227 of the Constitution of India, the petitioner/mother seeks setting aside of order dated 24.06.2021, passed by the learned Family Court, Patiala House Courts, New Delhi, whereby her application seeking permission for her younger son/ Master Prithvi Mehra Sahni to study at Charterhouse Boarding School, United Kingdom (U.K.) has been rejected.

2. The marriage of the petitioner and the respondent was solemnised on 07.08.2005, whereafter they were blessed with two sons on 04.01.2006 and 06.09.2007; the elder being Master Pradeep and younger being Master

Prithvi. However, on account of differences arising between them, the parties started residing separately since August, 2017. As both the minor children were residing with their mother at the time of separation, the respondent, in January 2018, preferred a guardianship petition, seeking sole custody and guardianship of both children, as also directions for interim visitation rights. This petition, bearing GP No.92/2018 is still pending adjudication before the learned Family Court.

3. On 12.03.2019, the learned Family Court, upon an application preferred by the petitioner, granted permission for the elder son/ Master Pradeep to study at the Charterhouse Boarding School, U.K. Though the said application was vehemently opposed by the respondent *inter alia* on the ground that since the two brothers shared a very close bond, it would not be in their interest to permit one of them to go abroad to study, the learned Family Court, after holding two interactions with the child and upon consideration of the reports submitted by the Court Counsellor as also of a Clinical Psychologist namely Dr.Nupur Dhingra, allowed the petitioner's application for the elder son/ Master Pradeep to study at the Charterhouse School after noticing the fact that it was the respondent himself, who had nurtured the dream in the impressionable minds of his young children to study in a boarding school overseas, which would make it easier for them to take admission in a University of repute *i.e.* Oxford, Cambridge, Harvard. The Court also observed that the Charterhouse School was a 400-years-old school, having received a recent 'gold' standard report from the Independent Schools Inspectorate (ISI) which is an independent school body approved by the U.K.'s Secretary of State for the purpose of inspecting schools. The 250 acres campus of the Charterhouse School in Surrey, U.K., besides having world-class laboratories, 14 grass football pitches, 9 cricket squares, a golf

course and an award-winning sports centre, also offered its students 80 co-curricular clubs and societies to choose from. It was also observed that the Charterhouse School was one of the five boarding schools in the United Kingdom that facilitated 'A' level group practical examination for drama, giving its students an opportunity to work with award-winning professionals in areas like acting, stage set, lighting production and script writing, etc. The Family Court, thus, came to a categorical conclusion that to deny permission to Master Pradeep to avail the opportunity to study and learn in one of the best schools in the world would be against his welfare and accordingly, permitted Pradeep to study at the Charterhouse School.

4. Though the said order was assailed by the respondent before this Court by way of MAT.APP. (F.C.) 88/2019, he subsequently gave up his challenge to the said prayer on 08.04.2019, and in fact, as recorded in the order dated 03.05.2019 passed by the Division Bench, agreed to pay 50% of the expenses towards Pradeep education at Charterhouse School. Consequently, Pradeep has now been studying at Charterhouse School in U.K. for the last more than two years.

5. On 23.03.2021, after the younger son/ Master Prithvi turned 13 years old, the petitioner moved a similar application seeking permission for him to study at the same school *i.e.* Charterhouse School, of which his elder brother is a student. This application could, however, not be taken up for some time for consideration by the Family Court, on account of the Presiding Officer testing positive for COVID-19. Resultantly, the petitioner approached this Court seeking expeditious disposal of her pending application by way of a petition under Article 227 of the Constitution of India *i.e.* CM(M) 343/2021. While the petition was pending consideration before this Court, the respondent's counsel, through his email dated 08.05.2021, conveyed the

respondent's consent to Master Prithvi studying at the Charterhouse School, subject to him being granted visitation rights. In the light of this conditional consent given by the respondent and his grievance that he was not being given any visitation qua his two sons, this Court granted interim supervised visitation to the respondent, but unfortunately, as both the sons showed reluctance to meet their father, the visitation granted to the respondent was not fruitful and, therefore, no further directions for visitation were passed by this Court. In the meanwhile, as the Presiding Officer of the Family Court turned COVID-19 negative, the parties were, on 18.05.2021, once again relegated to the Family Court with directions to the Family Court to decide the petitioner's pending application expeditiously.

6. Vide its impugned order passed on 24.06.2021, the Family Court has rejected the petitioner's application seeking permission for the younger son Prithvi to join his elder brother at Charterhouse Boarding School in U.K., which decision has been assailed by way of the present petition.

7. On 05.07.2021, when the present petition came up for preliminary hearing, this Court, after noticing the fact that the petitioner had already paid the initial non-refundable fee of £14,000 for admission of Master Prithvi to the Charterhouse School - permitted her to complete all admission formalities, while making it clear that the same would be subject to further orders and would not create any special equities in her favour.

8. The Guardianship Petition preferred by the respondent is still pending adjudication before the learned Family Court and therefore, the only issue which needs to be determined by this Court is whether the younger son/ Master Prithvi ought to be permitted to study at the Charterhouse School, where the academic session is stated to be commencing shortly.

9. In support of the petition, Mr. Jayant Mehta, Senior Advocate and Ms. Tara Narula, Advocate contend that the impugned order is wholly perverse as the learned Family Court, instead of examining the application in accordance with the parameters laid down by the Supreme Court in such matters, has been swayed by the respondent's plea that since the elder son/Master Pradeep has not been responding to the respondent's emails and phone calls, after he was allowed to study at Charterhouse, U.K, the younger son ought not to be permitted to go abroad as that will further damage the relationship between the father and his sons, thereby rendering nugatory the visitation rights granted to him by the Family Court.

10. Mr. Mehta contends that the learned Family Court has failed to appreciate that Pradeep is a 16-year-old adolescent with an independent mind of his own, and his not interacting with the respondent as often as the respondent would desire on account of his distressing experience with him in the past, cannot be a ground to penalise his younger brother/ Prithvi, who also ought to be given an opportunity to live the dream nurtured by his father to study at the prestigious Charterhouse School. The Court also failed to appreciate that in all their interactions with the Court as also with the Court Counsellor and the Clinical Psychologist, both the children had consistently stated that they felt unsafe with their father on account of his abusive behaviour and did not wish to meet him.

11. He further submits that the learned Family Court has, by ignoring the commendations and accolades received by Pradeep at Charterhouse School, come to a wholly erroneous conclusion that his overall performance had not improved after joining the said school and that he had struggled a lot at Charterhouse, in comparison to his performance at the Vasant Valley School during the year 2013 to 2016; whereas the fact is that Pradeep's grades and

performance have significantly improved under the supervision of the Charterhouse School where the classes are being held in physical mode. He submits that the Family Court has also erred in presuming that merely because the academic performance of Prithvi at Vasant Valley School was declining for the last two years, his shifting to an altogether new set-up and environment at this stage would have an adverse effect on his academic growth. On the other hand, the offer letter by Charterhouse School clearly records that Prithvi has performed well in his entrance exam and will thrive at the said school and therefore, according to Mr. Mehta, it would be in the best interest and welfare of Prithvi to study at Charterhouse School in a non-combative environment which is conducive to his overall growth and reside alongwith his elder brother, with whom he shares a close bond, and be away from the bitter litigation between the parties, more so when the Charterhouse School has itself offered to accommodate him in the same dorm so that both brothers could reside together.

12. Mr. Mehta further submits that the learned Family Court has also failed to appreciate that Prithvi is an asthmatic child and would, in fact, benefit from residing in the Boarding School at Surrey, U.K, where the air pollution is much lesser than in Delhi. More so, he is already familiar with the cultural and social milieu of the country as he has been spending almost two and a half months every year for the last many years in U.K. In fact, if Prithvi were to go Charterhouse School, it would make it easier for the respondent to meet both his children at the same location and therefore, contends that the permitting Prithvi to go to U.K. would not, in any way, prejudice the respondent.

13. He finally submits that once the respondent, despite having undertaken before this Court on 03.05.2019 to bear 50% of the school expenses of both

the children, has failed to pay any amount for their education for the last one and a half years; he should, even otherwise, not be allowed to have any say in where the children should study. He, therefore, prays that the impugned order be set aside and Prithvi be allowed to immediately join Charterhouse School, where the academic session is commencing shortly.

14. On the other hand, Mr. Prashant Mendiratta, learned counsel for the respondent vehemently opposes the petition by contending that the entire attempt of the petitioner is to remove the children from the jurisdiction of this Court, so as to restrict the father's right to have access to his sons. He submits that the learned Family Court has rightly come to the conclusion that the elder son/Master Pradeep has not benefitted by going to the Charterhouse School and in fact, even after paying for his education expenses, the respondent is unable to have proper access to him as while in the said school, he refuses to respond to his father's messages and calls. By drawing my attention to a graphic chart prepared by the respondent to demonstrate Pradeep's academic performance, he contends that Pradeep - who had obtained 71.64% marks in the year 2013, has since slipped down to 57.14% marks in the year 2020 and thus, it is evident that his academic performance has severely deteriorated at the Charterhouse School. He also refers to a similar chart in respect of the younger son/ Prithvi in support of his plea, that his performance has already deteriorated in the last 5 years from 75.60% marks in 2015 to 50.27% in the year 2020 due to the absence of his father's guidance and therefore, contends that the Family Court was fully justified in concluding that Prithvi may not be able to adapt to the new atmosphere at Charterhouse as he would, at this stage, need the guidance of both his parents, which would be possible only if he was to continue to study at the Vasant

Valley School in Delhi, which is, even otherwise, one of the premier schools of Delhi.

15. Mr. Mendiratta submits that the relationship between the respondent and his two sons was extremely loving and affectionate when the parties were residing together till 2017, and that the respondent, who is himself a highly educated person having received his post-graduation degree in finance from the prestigious London School of Economics, was always involved in the children's academic activities and growth. It is only after the petitioner has managed to poison their minds that the children are not receptive to their father, due to which, their academic performance has deteriorated drastically in the last three years while they were in the petitioner's custody and therefore, unless the respondent is permitted to actively take part in their academic pursuits, the children's performance will continue to deteriorate. He places heavy reliance on a communication dated 15.05.2017 from the petitioner to the respondent, which, he contends, clearly shows that the petitioner has neither the will, nor the disposition to take care of the children. He also draws my attention to a handwritten suicide note purportedly written by Master Prithvi, to contend that the learned Family Court was fully justified in holding that if the respondent was granted proper access to his sons, it would make them emotionally secure and contribute to their psychological development. Moreover, Prithvi is already studying at one of the best educational institutions in Delhi and what he is in dire need of is emotional support, supervision and a balanced family atmosphere in order to improve his academic performance and if he were to be shifted to Charterhouse School in a new country, he may suffer from separation anxiety.

16. Before dealing with the rival submission of the parties, it would be apposite to note at this stage, that in the light of the repeated grievance raised

by the respondent that the petitioner was not permitting the children to re-establish their bond with him, this Court had interacted with the children on two occasions, without either parent being present. On both occasions, this Court found the children to be articulate, confident, and very clear in expressing that they were not at all comfortable in the respondent's company. Not only did I find the elder child/ Pradeep to be very mature, but even the younger child/ Prithvi to be extremely clear in expressing his thoughts. Prithvi has, on both occasions, clearly expressed in no uncertain terms his desire to study at Charterhouse School along with his elder brother. Unfortunately for the respondent, the children were more than willing to explicitly narrate reasons as to why they were reluctant to meet him, however, keeping in view the limited scope of the present petition, this Court, consciously, did not permit the children to say any further on this issue, lest it prejudices the respondent in his pending Guardianship Petition. However, at this stage, I must also note that both the children, on the persuasion of this Court, had reluctantly agreed to celebrate the festival of Raksha Bandhan with their cousins and the respondent at the residence of his brother. While the respondent has sought to urge that the festival was celebrated in a very congenial atmosphere, it is the stand of the petitioner that Prithvi was not comfortable in the presence of the respondent; however, I do not deem it necessary to examine this aspect in these proceedings.

17. Even though, both sides have sought to make submissions regarding, which parent should have the custody of the children, I am of the opinion that since the only issue before this Court is as to whether Master Prithvi - who is 14 years old and has already obtained admission at Charterhouse School, where his elder brother is studying, ought to be permitted to study at the same school in U.K., I need not delve into this aspect with which the Family Court

is already seized of. The only question, therefore, is whether permission, as sought for, should be withheld only because the respondent perceives that permitting Prithvi to study abroad will make it more difficult for him to strengthen the relationship with his children, or because he is of the view that the children can only flourish when they receive his guidance and support. The respondent has neither urged, nor has been in a position to demonstrate that the Charterhouse School, U.K. where Master Prithvi wants to pursue his studies is not a premier educational institute. He has also not denied that it was his own stand before the learned Family Court that both the brothers are extremely close and that he, himself, had always nourished the dream in them of studying at Charterhouse School. The only response of the respondent on this aspect is that this dream was embedded at a time when the parties were living as a happy and united family. The respondent has also tried to urge that not only is Master Pradeep still struggling to acclimatise at Charterhouse School, but even otherwise, since the performance of Master Prithvi has deteriorated in the last few years, both children ought to remain under his supervision in Delhi.

18. Before dealing with the rival stands of the parties, reference may also be made to a recent decision of the Supreme Court in ***Smriti Madan Kansagra Vs. Perry Kansagra 2020 SCC OnLine SC 997*** wherein the Supreme Court, has reiterated the principles governing the custody of minor children by observing as under:

“99. This Court in Gaurav Nagpal v. Sumedha Nagpal held that the term “welfare” used in Section 13 must be construed in a manner to give it the widest interpretation. The moral and ethical welfare of the child must weigh with the court, as much as the physical well-being. This was reiterated in Vivek Singh v. Romani Singh, wherein it was opined that the

“welfare” of the child comprehends an environment which would be most conducive for the optimal growth and development of the personality of the child.

100. *To decide the issue of the best interest of the child, the Court would take into consideration various factors, such as the age of the child; nationality of the child; whether the child is of an intelligible age and capable of making an intelligent preference; the environment and living conditions available for the holistic growth and development of the child; financial resources of either of the parents which would also be a relevant criterion, although not the sole determinative factor; and future prospects of the child.*

101. *This Court in Nil Ratan Kundu v. Abhijit Kundu set out the principles governing the custody of minor children in paragraph 52 as follows:*

“Principles governing custody of minor children

52. In our judgment, the law relating to custody of a child is fairly well settled and it is this : in deciding a difficult and complex question as to the custody of a minor, a court of law should keep in mind the relevant statutes and the rights flowing therefrom. But such cases cannot be decided solely by interpreting legal provisions. It is a human problem and is required to be solved with human touch. A court while dealing with custody cases, is neither bound by statutes nor by strict rules of evidence or procedure nor by precedents. In selecting proper guardian of a minor, the paramount consideration should be the welfare and well-being of the child. In selecting a guardian, the court is exercising parens patriae jurisdiction and is expected, nay bound, to give due weight to a child's ordinary comfort, contentment, health, education, intellectual development and favourable

surroundings. But over and above physical comforts, moral and ethical values cannot be ignored. They are equally, or we may say, even more important, essential and indispensable considerations. If the minor is old enough to form an intelligent preference or judgment, the court must consider such preference as well, though the final decision should rest with the court as to what is conducive to the welfare of the minor.”

19. Even though the scope of this petition as noted hereinabove is extremely limited, I am of the view that the basic guiding principle which this Court must follow to decide the issue at hand, would be the same as is to be followed in custody matters where the Court exercises *parens patriae* jurisdiction. The Court must, therefore, take into consideration the welfare and best interests of the child, which have to be the sole and paramount criterion, and not give unnecessary weightage to the conflicting demands and rights of the parents. It is, therefore, not the claim of the parents to the custody of the child which is material, but the desire of the child, coupled with the availability of a conducive and appropriate environment for his/her proper upbringing, which is the only crucial consideration that must guide the determination required to be made by the Court. It is no longer *res-integra* that while determining the issue of welfare of the child, the rights of the parents have to be necessarily treated as secondary to the interests of the minor and the *inter-se* differences between the parents or the allegations and counter allegations made by them against each other are neither relevant, nor ought to, in any manner, influence the decision of the Court. The Court has to take into consideration the age of the child, as also his desires and wishes if he is capable of forming an intelligent preference, for which purpose,

reference may be made to Section 17 of the Guardians and Wards Act, 1890, which reads as under:

“17. Matters to be considered by the Court in appointing guardian.—

(1) In appointing or declaring the guardian of a minor, the Court shall, subject to the provisions of this section, be guided by what, consistently with the law to which the minor is subject, appears in the circumstances to be for the welfare of the minor.

(2) In considering what will be for the welfare of the minor, the Court shall have regard to the age, sex and religion of the minor, the character and capacity of the proposed guardian and his nearness of kin to the minor, the wishes, if any, of a deceased parent, and any existing or previous relations of the proposed guardian with the minor or his property.

(3) If the minor is old enough to form an intelligent preference, the Court may consider that preference.

* * * * *

(5) The Court shall not appoint or declare any person to be a guardian against his will.” (emphasis supplied)

20. Now turning to the facts of the present case, what needs to be noted at the outset is that the Charterhouse School in U.K., as discussed by the learned Family Court in great detail in its order passed on 12.03.2019 granting permission to the elder son/Pradeep, besides having a 250 acres campus along with world-class sports amenities and diverse co-curricular facilities, is situated at a pristine pollution-free location, *i.e.* Surrey, which, considering the air quality index at Delhi, as also the fact that Master Prithvi suffers from Asthma, is an extremely vital consideration and enrolling at the said school to pursue further studies, would undoubtedly contribute to Prithvi’s physical health.

21. It is also undisputed that the children have been spending almost two to three months every year in the U.K. and are, therefore, very well-adjusted to the social and cultural milieu of the country, which fact was placed before this Court by way of the following chart:-

<i>PLACE</i>	<i>YEAR</i>	<i>MONTHS</i>
<i>UK</i>	<i>2008</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2009</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2010</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2011</i>	<i>JUNE-JULY</i>
<i>UK</i>	<i>2012</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2013</i>	<i>JUNE-JULY</i>
<i>UK</i>	<i>2013</i>	<i>JUNE-JULY</i>
<i>UK</i>	<i>2014</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2015</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2016</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2017</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2019</i>	<i>MAY-JULY</i>
<i>UK</i>	<i>2020-21</i>	<i>DEC-FEB</i>

22. Moreover, this Court, during its two interactions with Prithvi, found him to be an extremely articulate child capable of clearly expressing his views and preferences. The young boy not only strongly expressed his reservations about meeting or spending time with his father but also, in no uncertain terms, stated that he wanted to study at the Charterhouse School, U.K. which was the dream inspired by his father ever since his childhood. I am of the considered opinion that once Prithvi has unequivocally expressed his desire to pursue his dream and be with his elder brother at Charterhouse School, it would be in his best interest and welfare to be away from the constant exposure to the litigation between his parents and instead, be in the close company of his elder brother, which will definitely contribute to his emotional wellbeing.

23. I also find it intriguing that the respondent, while not denying that it was, he himself, who wanted his children to go Charterhouse School, is now trying to wriggle out by contending that it was only when they all were living together as a happy and united family. On the other hand, in my view, when the relationship between the parents has become sour, it will be actually in the best interest of the children that they are given this opportunity to live out their childhood dream to study at Charterhouse School, which is continuing to function physically with strict COVID protocols even in these trying times. This would not only be conducive for the academic growth of both children but will also contribute to their social, physical and emotional wellbeing.

24. Though Mr. Mendiratta is justified in contending that the academic performance of both children has declined after the parties separated, which I am constrained to observe with anguish, is often noticed in cases where parents separate, thereby adversely impacting the children's academic performance. In fact, this decline is generally steeper immediately after the parents separate, and that with the passage of time, as noticed in the present case, the children start getting adjusted, and not only their emotional health improves but their academic performance also improves. In the present case, even though the academic performance of the elder son/Pradeep initially declined, especially between the years 2019 and 2020 but in 2021, he has shown a marked improvement, which is evident from the subsequent assessment records placed on record by the petitioner. The respondent, while not disputing these reports, has merely sought to contend that these reports, not being final, cannot be relied upon to judge Pradeep's performance. In my view, this plea deserves to be outrightly rejected, as once the assessment reports originate from the concerned authorities at the Charterhouse School, they cannot be simply brushed aside as the respondent would wish. I,

therefore, find no merit in the respondent's plea that Pradeep's performance has deteriorated at the Charterhouse School or that he has not been able to adjust there and therefore, if Prithvi joins the same school, he will be unable to adjust therein.

25. On the other hand, I find that like his brother, the academic performance of Prithvi too has consistently declined ever since his parents separated. There is no gainsaying that if the children are nurtured in a happy family, they are more likely to grow up emotionally stronger and their academic performance is also likely to be better. Unfortunately, the parents, in the present case, are not able to resolve their differences because of which, the children have faced the brunt of this separation - both emotionally and academically. However, it is encouraging to note that the performance of Pradeep has indeed improved at Charterhouse School after the initial teething problems. Insofar as Prithvi is concerned, not only has his academic performance at Vasant Valley School deteriorated but in fact, his teachers at the said school have, while observing that he was a well-behaved and respectful student, opined that he needed to get a lot more serious in class IX, where he was being promoted, so that he could reach his full potential. In my considered view, in the light of these remarks by teachers at the Vasant Valley School, it would, in fact, be in Prithvi's interest that his environment is changed, so as to enable him to reach his true potential and for doing so, this opportunity of studying at Charterhouse School alongwith his elder brother, who has not only settled well at the said institute but has also shown a marked improvement in his performance, would be ideal. I also fail to see as to how, merely because if Prithvi is allowed to go to U.K. to pursue his dream - which admittedly the respondent nurtured in him, the same would adversely affect the respondent's visitation rights when it is his own case that

he travels all across the globe. On the other hand, it will be much easier for the respondent to meet both his children together at the same location.

26. For the aforesaid reasons, looked at from any angle, I am of the considered opinion that it would be in the welfare and interest of Prithvi that he is permitted to go to Charterhouse School, U.K. I, thus, have no hesitation in holding that the learned Family Court has gravely erred in concluding that this is not a proper stage to allow the petitioner's application for admission of Prithvi to Charterhouse School, U.K.

27. Before I conclude, I may deal with Mr. Mendiratta's plea that in view of the e-mail communication written by the petitioner as also the purported suicide note written by Prithvi in May 2017, the application preferred by the petitioner was rightly rejected vide the impugned order. Even though the petitioner has sought to explain the circumstances preceding the aforesaid communications, I am of the view that this aspect is not relevant for deciding the issue in the present petition and therefore, I refrain from expressing any opinion on this aspect. Even otherwise, this Court is not deciding the issue as to the custody of Prithvi, as only permission is being sought for him to study in a boarding school along with his elder brother in U.K.

28. The impugned order is, therefore, not sustainable and is, accordingly, set aside and the petition is allowed by directing as under:

- 1) Master Prithvi is permitted to join Charterhouse School, U.K.
- 2) The petitioner shall, for the present, bear the entire expense towards his education and travel, but would be entitled to raise a claim for reimbursement of the same from the respondent before the Family Court, which claim will be decided in accordance with law.
- 3) The respondent will be permitted to have physical access to Prithvi during the school's vacations, as per the convenience of the child,

for 2 hours on any 10 days of the vacations in case the vacations are for 30 days or more; in case, the vacations are for less than 30 days, then the period of physical access will be reduced to 2 hours on any 5 days of the vacations. This right can be exercised either in U.K. or in India, depending on where Prithvi is residing during his school vacations.

- 4) The respondent will also be entitled to speak to Prithvi on his mobile phone for 10 minutes on every Sunday between 6:00 PM and 6:30 PM (U.K. Time), either through a voice call or a video call.
- 5) It is, however, made clear that direction nos. (3) and (4) will be subject to Prithvi's willingness to interact with the respondent.
- 6) The petitioner will inform the competent authorities at Charterhouse School to send copies of all its communications in regard to the Prithvi to the respondent. The respondent will, however, stand restrained from contacting the Charterhouse School, either for seeking any additional information, or with a grievance that Prithvi is not responding to his calls/e-mails/messages.

29. Needless to state, the observations in the present matter are *prima facie*, and will not, in any manner, influence the Family Court while deciding the pending Guardianship Petition preferred by the respondent in any manner.

(REKHA PALLI)
JUDGE

SEPTEMBER 09 , 2021
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Through Ms. Tara Narula, Adv.

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PRASHANT PRAKASH SAHNI

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Through Mr. Prashant Mendiratta, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **09.09.2021**

1. At the time of pronouncement of judgment today, learned counsel for the respondent prays for staying the judgment for a period of two week to enable him to assail the same.
2. Keeping in view the fact that the academic session at Charterhouse School, U.K. is already stated to have started since 07.09.2021, stay of the judgment which has been passed today, is likely to cause irreparable prejudice to the minor child. The prayer for staying the judgment is, therefore, declined.

REKHA PALLI, J

SEPTEMBER 9, 2021

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