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

+ **CM(M) 2680/2024**

**SIMINDER SINGH SOHI**

..... Petitioner

Through: **Mr. Shailendra Babbar, Adv.**

versus

**DAVINDER KAUR & ANR.**

..... Respondents

Through: **Mr. Setu Niket and Ms. Esha  
Mazumdar, Advs. for R-1.**

**CORAM:**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

**28.05.2024**

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**CM APPL. 32305/2024—Exp.**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CM(M) 2680/2024**

3. The present petition under Article 227 of the Constitution of India has been preferred to impugn the order dated 04.05.2024 passed by learned Judge, Family Court, South West District, Dwarka Courts, Delhi in GP No. 42/2021 titled as “*Siminder Singh Sohi vs. Davinder Kaur & Ors.*” whereby the learned Judge, Family Court has declined to grant 15 days interim custody of the minor child during her ongoing summer vacation beginning from 01.05.2024 to 10.06.2024.
4. Mr. Shailendra Babbar, the learned Counsel for the petitioner submits



that the petitioner herein had filed the Guardianship petition under Section 7 read with Section 25 of the Guardianship and Wards Act, 1890 before the learned Judge, Family Court. During the proceedings of the case, the petitioner preferred an application seeking directions for grant of 15 days of interim custody of the minor child to the petitioner during her summer vacations which began from 01.05.2024 and are till 10.06.2024. Vide the impugned order the said application of the petitioner was dismissed by the learned Judge, Family Court.

5. Learned Counsel for the petitioner thus submits that a short issue is involved in the present petition which is to the extent of the Learned Family Judge not granting the interim custody of the minor child to the petitioner during the said summer holidays.

6. Issue notice.

7. Mr. Setu Niket, learned counsel appears on behalf of the respondent no. 1 on advance notice, accepts notice.

8. Submissions heard.

9. Vide order dated 08.11.2023, the learned Judge, Family Court has already made arrangements and has prepared a schedule with respect to the visitation of the minor child with the petitioner herein which reads as follows:-

*i) The respondent shall bring the child to Delhi for 3 days during her school vacations of more than 7 days and hand over the custody of the child to mother of the petitioner/respondent no.3 and petitioner and grandmother of the child will be entitled to keep the child from 10am to 8.30pm. Child shall be handed over at 9am to the grandmother of the child and shall be collected by respondent no. 1 at 7 pm.*

*ii) Petitioner and his mother both are permitted to meet with child by making a visit to Pune on alternate Saturday and Sunday from 12noon to 6pm. Child shall be dropped by respondent no.1 at the place of stay of*



*petitioner and his mother at 12noon and shall be collected by her at 6pm. The place of stay of the petitioner and respondent no.1 in Pune should not be at the distance of more than 4 kms from the place of residence of respondent no. 1.*

*iii) During the meeting period child shall not be taken outside the city Delhi or Pune by the petitioner and his mother. Aforesaid arrangement may be modified on change of circumstances of the case.*

10. It has been agreed on behalf of the parties that the minor child has to visit Delhi to meet with the petitioner for three days i.e., 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> of May, 2024, however, the said stay shall be extended for an additional two days i.e. 01<sup>st</sup> and 02<sup>nd</sup> June, 2024 on the same terms as ordered by the learned Judge, Family Court in para 34 of the order dated 08.11.2023.

11. It is also agreed that since the respondent had pre-booked her and the child's flight tickets which are non-refundable, therefore, the return flight tickets from Delhi to Pune shall be arranged by the petitioner for the respondent as well as for the minor child scheduled in the evening i.e. after 7 P.M. of 02.06.2024.

12. It is also mutually consented between the parties that instead of 01<sup>st</sup> and 02<sup>nd</sup> June, 2024 when the petitioner was scheduled to visit the minor child in Pune, he will instead visit Pune to meet the child on 8<sup>th</sup> and 9<sup>th</sup> June, 2024 as has already been arranged for in the impugned order, without prejudice to the rights and contentions of the parties.

13. In view of the above, the present petition stands disposed of.

**SHALINDER KAUR, J.**

**MAY 28, 2024 / SU**