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

+ **MAT.APP.(F.C.) 196/2024 & CM APPL. 35240/2024**

VJK

.....Appellant

Through: Ms. Somyashree, Advocate (M-9582860718).

versus

LBN

.....Respondent

Through: Ms. Geeta Luthra, Sr. Advocate, Ms. Shivani Luthra Lohiya and Ms. Asmita Narula, Advocates (M- 9717505702).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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01.08.2024

1. This hearing has been done through hybrid mode.
2. The present appeal under Section 19 of the Family Courts Act, 1984, has been filed challenging the impugned order dated 05th June, 2024, passed by the Id. Judge Family Court in **G.P. No. 27/2020**, by which, the son of the Appellant was permitted to be taken to the U.K. for the purpose of therapies.

The operative portion of the said order reads as under:-

“12. In view of the above discussions there is no merit in the application U/s 12 of Guardian and Wards Act r/w Section 10 of Family Courts Act filed on behalf of the respondent/mother, hence, the same is dismissed.

13. The petitioner/father is allowed to take the minor son to U. K for his therapies from 29.06.2024 to 15.07.2024. The petitioner is directed not to take the minor son to any other country and he will brought back the minor son to India after completion of his therapies. The application of the petitioner is allowed accordingly.”



3. Ms. Geeta Luthra, Id. Senior Counsel for the Respondent submits that the son was taken to the U.K. but now, has returned to India. In view of the same the present appeal is rendered infructuous.
4. Id. Counsel for the Appellant submits that the passport of the Appellant's daughter, who is in her custody, is with the Respondent, and the same may be given to the Appellant.
5. The Id. Counsel for the Respondent expressed apprehension that if the passport is given to the Appellant, the daughter may be taken outside the jurisdiction of this Court.
6. Id. Counsel for the Appellant, while disputing the aforesaid position, has submitted that since the son is in India, the latter has no reason to move out of India.
7. These submissions shall be made before the Id. Family Court which shall consider them in accordance with law.
8. The Appellant may move an application before the Id. Family Court for release of passport. The concerned Court shall take up the application and decide the same as expeditiously as possible.
9. The appeal is disposed of accordingly in the aforesaid terms.
10. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 01, 2024/sn/NS